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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 19, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 624

In the Senate of the United States, December 18 (legislative day, December 17), 2012.

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared ''this is our country'';

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was, awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent Resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the reality behind the fiscal cliff is that, if we really get down to work, talking with one another, digging into the details, it really is not that hard.

The nuclear arsenal is a prime example and something that doesn't get nearly the attention it deserves. It is an illustration of why the fiscal sequestration level over the next 10 years for the Department of Defense, which would bring it down to 2007 spending levels, adjusted for inflation, is really not that draconian.

During the Cold War, the United States spent, on average, $35 billion a year on its nuclear weapons complex. Today it spends an estimated $55 billion.

The nuclear weapons budget is spread across the Department of Defense, Department of Energy, the Department of Homeland Security. And the government doesn't publicly disclose how much it is, but the last year that the elements were aggregated together, it spent at least $52.4 billion. That's in 2008, according to the Carnegie Endowment for Peace.

That doesn't include classified programs, and it was 5 times the State Department budget, 7 times the EPA, and 14 times what the Department of Energy spent on everything else it does.

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Indeed, the President agreed to a $200 billion modernization in order to secure the approval of the strategic arms reduction treaty in the Senate.

Well, perhaps it's time for us to take a step back and ask what is actually the purpose. Who is the enemy that this nuclear arsenal is going to deter?

The nuclear arsenal didn't stop Iran from pursuing nuclear weapons. It's not helping us at all with the terrorists who are now the central focus of our security concerns. It doesn't help in Iraq or Afghanistan, and we basically have a stalemate between Russia and China.

Nuclear weapons have not been used since World War II. They likely never will be, so why do we need land-based intercontinental ballistic missiles, bombers, and submarine launch delivery systems, all three of them?

Do we really need 12 new strategic submarines that will cost almost $5 billion a year, if we're lucky and contain costs?

Who actually is being deterred by this massive spending and buildup?

Exactly what are the circumstances 30 years from now that call for this massive stockpile of weapons and three redundant delivery systems?

You know, recent articles in the Post by Walter Pincus really focused on this. There's Dana Priest's work also in the Post; GAO reports—you don't have to dig very deeply to find out that this is a bloated, flawed program with little technical benefit for us now, a great deal of fiscal pain currently and well into the future.

Twenty-one years ago, President George H.W. Bush unilaterally announced the elimination of thousands of land-based tactical nuclear weapons stationed in Europe and an end to the deployment of tactical nuclear weapons on surface ships, attack submarines, and land-based Naval aircraft.

Billions had been spent over the years on such weapons, but there was really never any plans for how to use them. Most have been dismantled, and the United States today is no weaker. Most, frankly, have not even noticed.

What could we accomplish over the next 10 years with the same sort of bold thinking on the part of the President, the Pentagon, and Members in Congress?

It's time that we find out.

LET U.S. MARINE JON HAMMAR GO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, 27-year-old Marine Corps veteran Jon Hammar honorably served two tours of duty in Iraq and Afghanistan. While he was on Active Duty, Hammar's battalion was hit very hard in Fallujah, and 13 of his fellow Marines were killed in action.

When he came home to America, he suffered from PTSD, as many of our warriors do. He spent time in a recovery facility in California to cope with the mental wounds of war.

Then, in August, Jon decided to get some R&R. He wanted to go to Costa Rica with a fellow marine, Ian McDonough, and they wanted to go on a surfing trip. According to McDonough, surfing gave Jon peace of mind and really helped with his therapy.

So the two packed up their car with their surfboards and began their journey from Florida to Costa Rica. Their trip took them through Texas to the border, in Brownsville, Texas. There they crossed the international border into Matamoros, Mexico, and that is as far as they got.

On the trip, Jon carried with him a 100-year-old antique gun, a family heirloom that belonged to his grandfather. When they arrived at the U.S. Customs and Border Protection in Texas, Jon did what he was supposed to do; he filled out all the necessary paperwork. He talked to U.S. Customs and verified with them that the rifle did not violate any Mexican law.

The two allegedly handed the Mexican officials the paperwork regarding the rifle. But instead of continuing on their way to Costa Rica to go surfing, Hammar was immediately detained and dragged away to a notorious prison in Matamoros where they house narcoterrorists.

Now, Mr. Speaker, here's a photograph of our marine when he served America. This is a photograph of him recently taken in the Matamoros prison. As you notice, he is in solitary confinement, and, similar to the old days, chained to his bed where he cannot go anywhere. This is all because of a misunderstanding and a mix-up about what the law is and what should have happened to him at the border.

□ 1010

So he's being held as a criminal because the size of the barrel on that rifle was, apparently, too long—even though U.S. Customs told Hammar he was not violating any American or Mexican law in having the rifle. Hammar had no criminal intent when he took that old rifle into Mexico.

Jon Hammar should not have to spend another holiday away from his family—holidays he spent when he served as a marine—and certainly he shouldn't spend a holiday away from his family in a Mexican jail where he is illegally being detained. Obviously, there appears to be a misunderstanding between U.S. and Mexican officials, with Hammar literally caught in the middle of this. So Mexican President Enrique Nieto should intervene and have Hammar released. It is in the power of the Mexican President to solve this international incident and do so in a diplomatic way. So I ask that he do so and release Hammar by Christmas.

Mr. Speaker, this marine and veteran has spent his life defending freedom, defending America, taking care of America. It's time that America take care of him by asking for and expecting his release from this Mexican prison where he ought not to be.

And that's just the way it is.

HONORING OUTGOING CBC CHAIRMAN REPRESENTATIVE EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, for over 40 years, the Congressional Black Caucus has strengthened and enhanced the work of the people's House. It does so by carrying into this Chamber the voices of millions of Americans who, for too long in our history, were voiceless. It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all of our citizens. The Congressional Black Caucus has been rightly known for a long period of time as the conscience of the Congress.

Mr. Speaker, since he arrived here 7 years ago, our colleague and my friend, EMANUEL CLEAVER, has been the conscience of the CBC. Representative CLEAVER, as most of us who served with him know, but many Americans might not know, wears multiple hats. He is not only the former mayor of Kansas City, Missouri, but he is also an ordained Methodist pastor. Pastor CLEAVER is frequently called upon for words to deliver at my whip meeting on Thursday mornings. I have said that they are the highlight of our week in many respects.

EMANUEL CLEAVER speaks to us about humanity, about caring, about respecting each of our colleagues on either side of the aisle, of respecting and honoring our responsibilities to our fellow citizens. In short, EMANUEL CLEAVER, on a weekly basis, appeals to the best that is within us to reflect the best that is America.

EMANUEL CLEAVER will shortly be succeeded as president of the CBC by MARCIA FUDGE from Ohio—like EMANUEL CLEAVER, a leader of conscience, a leader of great ability, and a leader who will reach out to all of us as well and continue to lead this organization that we know as the conscience of the Congress.

As we talk about creating jobs, as we talk about caring for one another, as we talk about making life better for all Americans, there is no more compelling voice than the Congressional Black Caucus towards that end. There has been no more compelling voice than that of my friend, EMANUEL CLEAVER.

EMANUEL, I expect your leadership to be enhanced as the days go by. You have shown us an example of how one can serve with dignity, with grace, and with effectiveness. Thank you.

Mr. Speaker, for over forty years, the Congressional Black Caucus has strengthened and enhanced the work of the people's house.

It does so by carrying into this Chamber the voices of millions of Americans who for too long in our history were denied a voice.

It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all.

The Congressional Black Caucus has long been the conscience of the Congress. And since he arrived here seven years ago, EMANUEL CLEAVER has been the conscience of the CBC.

Rep. CLEAVER—as most of us who serve with him know, but many Americans might not know—wears multiple hats, also being an ordained Methodist pastor.

Pastor CLEAVER is frequently called upon to deliver words of wisdom in the weekly meetings Democrats hold for our caucus, and he uses those opportunities to tell us parables intended to teach that behind every bill and every vote is a human story—real lives and real consequences.

Though he will be stepping down as its Chair, I know Rep. CLEAVER will continue to do his part to ensure the CBC retains its position as a moral guide in this House.

That we never forget the real people behind the policies we act on here—people struggling to be safe in our cities, pursue educational opportunities, access health care, and find good jobs.

The CBC may be called, in many respects, guardians of our American dream.

And I thank my friend—Rep. CLEAVER, Mayor CLEAVER, Pastor CLEAVER, Chairman CLEAVER—for being a steady captain of that guard over the past two years.

He surely leaves large shoes to fill, but I know Rep. FUDGE will do a great job at the helm as the CBC's new chair.

And I look forward to working as closely with her as I have with Rep. CLEAVER to help extend the promise of the American dream to all our people.

THANKING THE THIRD CONGRESSIONAL DISTRICT OF ARIZONA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. QUAYLE) for 5 minutes.

Mr. QUAYLE. Mr. Speaker, I rise today to thank the people of the Third Congressional District of Arizona, who put their trust and faith in me to represent them in the 112th Congress. The people of our district are good, hard-working Americans. They value their family, their country, and their freedoms. It was an absolute honor to serve them in this Congress.

I would also like to thank my family and friends for their unwavering support throughout my life. Without them, I would not be here today.

Mr. Speaker, I'd also like to thank my tireless staff both here in Washington and back home in Arizona. Their dedication to our district and to our country was something that was amazing to watch. And over the course of 2 years, working day and night, they became a lot more than just people I work with. They became extended family. And I thank them for that.

Mr. Speaker, I want to finally thank, more importantly, my wife, Tiffany, who, a few years ago, made me the luckiest man on the face of the Earth when she said ''yes'' to be my wife. I want to thank her for all of the sacrifices that she has made so that I could be in this House. She has held down a full-time job, all the while playing both mom and dad to our daughter, Evie, when I was away from home. I can never thank her enough for all that she has done.

Mr. Speaker, the past 2 years have been an interesting ride, primarily because it was highly unlikely that I would ever speak on this floor. You see, Mr. Speaker, if you had asked me 5 years ago if I would ever run for public office, I would have said ''no.'' And not because I don't value and honor public service. I certainly do. But it's because the environment that I grew up in, I saw the bad side of politics and I didn't know if I wanted to put my family through the same trials and tribulations. However, that all changed as I witnessed our country continuing to stray from its founding principles, and if it didn't reverse course, we were going to lose countless generations because of lost opportunities.

So, Mr. Speaker, I ran for office not for a title, not for some unhealthy desire to be the center of attention, but to serve my fellow citizens and to be a part of a movement that would reestablish the belief that our country's greatness comes from its people and not from the government and to make sure that America remains the last great hope on Earth.

Two years ago, we sat out to accomplish those objectives. We didn't succeed—not for the lack of trying. We did take steps toward solving the biggest and most severe issues that we face. We must build on this and not shrink from solving the fiscal disaster that awaits us if we do nothing.

Mr. Speaker, as this Congress comes to a close in the next couple of weeks, I'm confident that the Members of the next Congress will rise to the occasion and provide the solutions to a worried Nation. However, my confidence is not limitless. If petty politics drives policy decisions, if one group is pitted against another for political gain, if personal destruction drowns out personal accountability, then, sadly, the legacy of our great Nation will be forever altered and the world will be a dimmer place.

I hope and pray this does not happen, Mr. Speaker. But as I said, my confidence is not limitless.

HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. I rise to join some of my fellow colleagues in recognizing and honoring a distinguished gentleman serving in the Congress of the United States, who is the chairman of the Congressional Black Caucus, and that is Representative Reverend EMANUEL CLEAVER.

God has a way of having the right person serve at the right time and in the right place, and we have such a person in our chairman, Chairman CLEAVER. Chairman CLEAVER took office at a time of great turmoil and tumultuousness. This country was experiencing and we were at the height of perhaps the most devastating financial crisis since the Great Depression.

□ 1020

Chairman CLEAVER turned that situation into a tremendous positive by bringing his insightfulness and by helping to share with the entire Nation that while we did have great economic calamity, for every sector in our economy nowhere was that damage as greatly felt as in the African American community. We were blessed to have a chairman who could articulate it with the sensitivity and with the intelligence and with the intellect to be able to express those very serious concerns that were impacting the African American community in a way and in a manner that it enveloped the entirety of the entire population of our country.

Chairman CLEAVER became chairman at the time of the height of the tumultuous health care debate, where there was great passions that were brought to bear and expressions of demonstration where hundreds of thousands of people gathered here in Washington to express their concerns. But Chairman CLEAVER provided a calmness, an impact that helped us to navigate those troubled waters very, very successfully.

When it came time to look at the disparities of this economic impact and joblessness, he initiated job fairs in every congressional district all across this country that helped people be able to get jobs. He addressed the health disparities—particularly as they impacted the African American community—in a way and in a manner that everyone was able to accept the reality.

So, we thank you, Congressman CLEAVER, for the outstanding job that you have done, and we want to thank God for sending the right person to us at the right time. Thank you, Chairman CLEAVER. It is my great honor to serve with you. Thank you for your outstanding service.

EXPRESSING THANKS TO CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WATT) for 5 minutes.

Mr. WATT. Mr. Speaker, I want to join with my colleagues in expressing thanks and giving praise to our outgoing chair of the Congressional Black Caucus. He's not leaving Congress, he's just leaving the chairmanship of the Congressional Black Caucus.

I don't usually come over here for these 5-minute speeches or 1-minute speeches, but today I thought I would make an exception to say some things about our outgoing chair.

I want to make two points. First of all, contrary to the perception that's out in the world, there are no bad people in this body. All of us are good people who are here to serve the American people, and our constituents in particular. I characterize us as all good guys—and that includes female in that good guys category too. But then there are people who because of their particular qualities I would put in a category of really, really, really good people. It doesn't take long to detect those people; it comes through in their manner, in the way that they deal with their colleagues and the way that they consult and console you when you really need consultation and consolation; and the way they give you advice or fail to give you advice or don't give you advice when you either need it or don't need it. They're not in the way; they're just really, really, really good people. That's the category in which I would put our outgoing chair, Chairman EMANUEL CLEAVER. And his leadership has been outstanding, but it's not that that I came to praise.

The second thing I really want to emphasize about him is that the question I get most from constituents is who's doing something inside you all's institution to make you all more compatible with each other? So every week I look forward to getting in my intra-Congress mail this letter that our outgoing chair sends to every Member of this body, just one or two or three paragraphs, one page—never longer than one page, just giving us some sage wisdom and advice about how to be nicer to each other, how to soften our edges, how to work better together to achieve the aspirations of our constituents and of our Nation.

Those are the little things that people out in the public never see or hear about, and Chairman CLEAVER has set that example. Sometimes I'm sure he feels like he's a voice in the wilderness by doing that, but every single week each of us gets this special appeal from EMANUEL CLEAVER to be what we should be, stewards of our country, and to do it in a way that does not demean our institution and demean each other, and to advocate for what we believe, but to do it in a way that is more human and kind.

So I want to join with my colleagues in thanking him for his leadership, but most of all I want to thank him for the tremendous role model he has been for our institution to try to make our institution a better place in which to serve and to try to make each of us better Members of this institution.

NEW MARKETS TAX CREDIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 5 minutes.

Mr. NEAL. Mr. Speaker, let me also thank Reverend Cleaver. At his request, I campaigned with him and for him and did a series of Social Security events in his constituency. I spent the better part of 2 days with him, and I got an opportunity to see the regard and respect that he was held in by the citizens of Kansas City.

Mr. Speaker, let me address the issue of extending the New Markets Tax Credit. I have fought for this program since its enactment in 2000 because it's a cost-effective way to create jobs and drive investments in communities with high rates of poverty and unemployment. I've seen the amazing results of this initiative firsthand. Let me highlight just some of those Massachusetts projects.

Let me first tell you a little bit about the New Markets Tax Credit. It was designed to stimulate investment and economic growth in low-income communities that are traditionally overlooked by conventional capital markets. Since its enactment, the credit has generated $45 billion in capital for projects in low-income communities that range from the first supermarket in a generation in southeast Washington, D.C., to the restoration of one of the greatest acoustical houses in the world, the Colonial Theater in Pittsfield, Massachusetts. Furthermore, New Markets' investments between 2003 and 2010 have been responsible for creating over 500,000 jobs in economically distressed communities across the country. These are remarkable results.

Let me share with you another success story from back home that further explains why I'm a big supporter of New Markets: the Holyoke Public Library. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century Holyoke was the world's biggest paper manufacturer. In fact, at one point there were 25 paper mills in operation in Holyoke, and that's how Holyoke got its nickname, ''The Paper City.''

□ 1030

However, this industrial city's fortunes ebbed when the paper mills closed, and Holyoke now has one-third of its population living below the poverty line.

The Holyoke Public Library project is currently underway and involves renovating and expanding the 110-year-old library and transforming it into a 21st century education and training center.

For many years, there had been very little funding available to maintain the facility itself. And, therefore, over time, the library has substantially aged and deteriorated. Today, nearly 40 percent of the library's interior is seriously compromised and inaccessible to the public. But thanks in large part to New Market's tax credit financing, the Holyoke Public Library is currently being renovated and modernized, and the new and improved library will provide critical public access to computers and the latest technology.

New Market's tax credits are a good example of how public and private investment can be used to spur community and economic revitalization. New Market's tax credits expired at the end of last year. It's critical that the Congress not leave town until we, once again, extend this program and the opportunities that come with it.

REFLECTING ON CHAIRMAN EMANUEL CLEAVER WITH GRATITUDE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today to acknowledge the extraordinary leadership of my colleague, Mr. EMANUEL CLEAVER, who represents with distinction Missouri's Fifth District. I want to offer a special word of appreciation for his many years of service, not merely for his constituents, but for his steady commitment to employ the power of his office to ensure our Nation is set on a course where we all succeed.

As chair of the Congressional Black Caucus, Mr. CLEAVER used this position of leadership to help elevate and embolden us to address some of the great social and economic challenges of our day, not just for African Americans, but for all Americans.

I am reminded of the evening in North Carolina at the Democratic Convention when he gave that impassioned and fiery speech that brought everyone to our feet. He reminded us that in America our strength is rooted in our Nation's most profound gift—its diversity. He reminded us that no matter how difficult times may get or may be that we must ''hope on,'' and that it is the power of our hope that drives us to not give up when we have failed, but to try again until we get it right.

As I complete my first term in Congress, let me thank the chairman for his counsel, his guidance, and his friendship. He's provided advice and wisdom that as a newcomer to Washington has been invaluable. He's stepping down as the head of the Congressional Black Caucus, but we will all continue to enjoy hearing his reflections at caucus meetings and getting the notes on promoting civility. It's my personal hope that one day he will collect all of these notes and reflections and publish them.

But I did think that I would end with words from that famous North Carolina speech:

> Hope inspires me to believe that any day now, we will catch up to the ideals put forth by our Nation's Founding Fathers. It is our hope and faith that moves us. It is our hope that tells us our latter days will be better than our former. It is our hope that instructs us to march on.

I look forward to working with you in the years through the struggles and successes that are in front of us. Thank

you, Mr. CLEAVER, for your service, your friendship and for your leadership.

A TRIBUTE TO CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Mr. Speaker, today I rise to salute EMANUEL CLEAVER, II, my chairman and my friend, the Congressman from the great State of Missouri who was unanimously elected to lead the Congressional Black Caucus for the 112th Congress. As we move closer to adjournment of this Congress, I rise with my colleagues to thank EMANUEL CLEAVER for his stellar leadership and sacrifice during the last 2 years.

From councilman to Kansas City's first African American mayor to Member of Congress, and most recently our leader, Chairman CLEAVER has continually represented the interests of both his constituents and scores of underrepresented Americans with an undeniable zeal and passion.

The leader of the Congressional Black Caucus carries the burden of modeling that which makes us the ''Conscience of the Congress,'' and he has succeeded. A man of fine intellect and unwavering integrity who daily exhibits his deep-seated belief in civility, Chairman CLEAVER is firm in his convictions based on what is right rather than what is expedient. As an ordained minister with many years of pastoral experience, EMANUEL CLEAVER has not only served as chairman of the caucus but has served as our spiritual adviser as well. He is a friend on whom we can all depend. He is selfless and unassuming, yet powerful, respected, and a trusted leader on both sides of the aisle. Chairman EMANUEL CLEAVER has earned the respect and admiration of citizens throughout this Nation and many beyond our borders.

Today, I salute Chairman EMANUEL CLEAVER. Today, the Congressional Black Caucus salutes him. We thank him for his dedication to our people, his devotion to the highest standards and his undeniably effective leadership. Our caucus thanks Chairman CLEAVER, our country thanks him, and I thank him.

A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIR EMANUEL CLEAVER, II

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I'm talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

The Congressional Black Caucus has long and rightly been known as the ''Conscience of the Congress,'' and it's no exaggeration to say that EMANUEL CLEAVER is the conscience of the CBC.

Prior to being elected to the House of Representatives, he served on the local level. But since coming here to the House in 2004, EMANUEL CLEAVER has been a champion for the poor, the aged, the infirm, and for those struggling to join the middle class or working to stay there. He has worked tirelessly to expand educational and employment opportunities for those looking to build a better life for themselves and their families and to represent God. He has done so with dignity, grace, civility, and unfailing good cheer.

As CBC chair during the 112th Congress, EMANUEL CLEAVER understood the importance of drawing attention to the economic crisis in the African American community, where the unemployment rates were more than double that of whites. And under his leadership, the CBC launched the ''For the People'' Jobs Initiative, hosting town hall discussions and job fairs, one of which was in Los Angeles, in my hometown, and four other urban areas hit hardest by the recession.

The CBC took the feedback that was received from those communities and its recommendations for creating jobs to the President, who included them in the American Jobs Act.

Following the assault and the murder of Trayvon Martin, an unarmed African American teenager in Florida, the CBC stood up for his parents and made sure their plea for justice did not go unheeded. Chairman CLEAVER understood that justice delayed is justice denied. And when the precious right to vote was under attack this election season, the CBC, led by Chairman CLEAVER and the incoming chair, MARCIA FUDGE, exposed those voter suppression efforts and worked overtime to overcome those obstacles and to ensure that our constituents were ready and able to vote with the CBC's ''For the People'' voter participation initiative. As a result, African American turnout in the 2012 election far exceeded expectations and was successful in reelecting President Barack Obama.

Mr. Speaker, Chairman CLEAVER has led the Congressional Black Caucus with skill, compassion, and an unwavering commitment to justice and equal opportunity during some of the most critical times of this Nation's history. I thank Chairman CLEAVER for his service, for his leadership, for his friendship, and, most of all, for his example of being led by God here in the House of Representatives.

□ 1040

IN MEMORY OF MAVIS DONAHUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, Members of the House, I rise first of all to commend a matriarch in my community who passed away a few days ago, Ms. Mavis Donahue, who came to the United States of America from Jamaica. Of course, much of her family came with her, and they kind of stay together as a group.

It was her daughter, Claudette, that I first met, and we worked together for about 40 years. But then her son-in-law, Billy, Claudette's husband, took the first photograph that I ever used in a campaign brochure. Their daughter Erica, who is my goddaughter, was the first person who ever appeared on a campaign brochure when I decided to run for public office. So I simply want to commend them as they prepare to take their mother, their grandmother, their aunt, their friend, their neighbor, back to her home in Jamaica to be buried alongside her mother.

I also join my colleagues in coming to pay tribute to our leader, the Reverend Congressman EMANUEL CLEAVER. We've all talked about his leadership, and I've been told two things about leadership that I always try to remember. One is that leadership is the ability to get other people to do what you want them to do but because they want to do it, meaning that somehow or another you can convince them that what you're talking about is the thing to do. The other thing that I've learned about leadership is that you can't lead successfully where you don't go, and you can't teach what you don't know.

I've been able to follow the life of EMANUEL CLEAVER long before he became a Member of the House of Representatives. See, he grew up in the Midwest, kind of, but really the Southwest, in a real sense, as I did. Our schools played football in the Southwest Athletic Conference. The first time we decided to televise our game, we went out and washed cars and did all the things you did to raise the money that we needed. We played Prairie View, and lo and behold, they beat us 28–0, which was a real letdown after we had paid to have the football game televised.

But I remember that EMANUEL came out of school, went to work for the Southern Christian Leadership Conference, became a leader in his community as a young person, pastor of a tremendous church that I've had the opportunity to visit, and they even let me have something to say.

Reverend CLEAVER, Congressman CLEAVER, America has benefited from your leadership for many years. We know that what you've done for the caucus and for this Congress will stand, but we know that you will keep doing it for many more years to come.

God bless you and God keep you.

UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CURSON) for 5 minutes.

GENERAL LEAVE

Mr. CURSON of Michigan. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days in which to revise and extend their remarks and to insert material into the RECORD on the subject of Representative EMANUEL CLEAVER's retirement as chair of the Congressional Black Caucus.

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

There was no objection.

Mr. CURSON of Michigan. I, too, offer my congratulations to Representative CLEAVER for his service to all Americans as the CBC chair.

Millions of Americans are out of work through no fault of their own. Millions of Americans are relying on federally funded benefits to make ends meet as our Nation's struggling economy starts to recover. These unemployment benefits for the long-term unemployed will immediately and completely stop on December 29, 2012, unless we in Congress act. There is no phaseout. Every individual receiving those benefits now will be cut off cold.

The Department of Labor estimates that over 2 million Americans will lose their emergency benefits at the end of the year, including over 92,000 people in my home State of Michigan. Cutting off benefits for the long-term unemployed will have a devastating impact on middle class families who are struggling to stay out of poverty. They are critically important for necessities of life, rent, groceries, and utilities. Cutting off unemployment benefits will also hurt America's economic recovery, as economists predict that allowing the UC benefits to expire at the end of this year will reduce economic growth next year by $58 billion.

Emergency unemployment benefits provide a particularly valuable economic contribution to the economy because financially stressed unemployed workers typically spend the benefits they receive quickly. Cutting off these benefits will hurt small businesses and add to the downward spiral of a failing economy. The Census Bureau reports that unemployment benefits, both State and Federal, reduced the number of Americans living in poverty last year by 2.3 million, including over 600,000 children. The Congressional Research Service estimates that in 2011, unemployment benefits reduced the poverty rate for families receiving them by 40 percent.

Cutting off unemployment benefits for too many Americans will only substantially increase hardship and poverty in our Nation. Now is not the time to deprive these Americans of a critical lifeline. Federally funded unemployment benefits should be extended by this Congress.

The best cure for unemployment is to create jobs. We can do this by investing in rebuilding our Nation's infrastructure, creating real jobs and real revenue by people working for a living.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I, too, rise to pay my respect and to honor Representative CLEAVER.

I am one of those many Members of the House who each week waits for that letter from Congressman CLEAVER. In each of these letters, he tells a life lesson, typically one to inspire us to be more hopeful, to be more willing to look at the issue from someone else's perspective, to be more compassionate, to be more loving. So I, too, share in his commitment to making this place a more responsive environment for all, and I thank Mr. CLEAVER for his great leadership as the chair of the CBC over the last year.

Mr. Speaker, I now would like to turn to my prepared remarks for this morning. I would like to read you some song lyrics that Air Force Technical Sergeant Jennifer Smith found on her government computer at Shaw Air Force Base. The lyrics of the song are called the ''The S&M Man,'' and they go like this:

> Who can take a machete, whack off all her limbs, Throw her in the ocean, and watch her try to swim?
>
> The S&M Man.

Jennifer Smith reported this song and other sexually explicit documents to her superiors in the Air Force. ''The S&M Man'' is offensive, it's hostile, but to her male colleagues and superiors, the song is just tradition, a tradition that is alive and well, celebrated in song, patches, coins, offensive pictures, behavior, and the tacit approval of commanding officers.

A military tradition of demeaning women is not only sickening, but contrary to the fundamental principles of an institution founded in respect and honor and in discipline. It undermines our military's readiness and cohesion. Simply put, it gravely damages the military.

This is the 24th time that I have come to the floor to share the story of a servicemember, either man or woman, who has been raped, sexually assaulted, or harassed by fellow servicemembers. By the Department of Defense's own records and estimates, there are 19,000 rapes and sexual assaults each year in the military, and the VA reports that half a million veterans are affected by military sexual trauma.

□ 1050

Still, fewer than 14 percent of these victims actually report the crimes. And why is that? It is because so few are prosecuted—fewer than 9 percent—and a minuscule number end in conviction.

Air Force Sergeant Jennifer Smith has been subjected to this toxic culture for nearly two decades. She finally had enough. She filed a lawsuit; and in her lawsuit, she chronicles 17 years of abuse and a toxic culture—from 1995 until the present time—a culture that speaks of repulsive and destructive behavior by servicemembers and the tacit approval of their commanders.

Jennifer Smith joined the Air Force 17 years ago, when she was just 18 years of age. Her career has been filled with promotions and with medals and commendations by her commanding officers. She is one of the soldiers whom we so highly regard in the military. She has a record of astonishing accomplishments. In many of the commendations, she has been told that she is a ''gifted mentor'' who ''goes above and beyond'' and to ''promote her now.'' Her career has also been filled with sexual harassment, assaults, and complacency—or worse—from her commanding officers.

During her five deployments in Iraq, Kuwait, Korea, and Germany, Sergeant Smith has endured assault by a master sergeant, who pushed her into a room, dropped his pants, and tried to force himself on her; harassment by a vice commander, who told her to relax and take her top off during a meeting; constant exposure to pornographic material and sexually explicit flight songs; and an attempted rape she was too scared to report.

Sergeant Smith endured sexual harassment and a hostile work environment for 13 years when she decided to speak up. It's time for all of us to speak up. It's time for all of us to expect from the military what we expect from the private sector—no hostile work environment.

She found pornographic materials in her squadron that included two "Doofer" books and magazines that were in her shared office. She reported them, but nothing was done.

Later that year, approximately two months after Technical Sergeant Smith had deployed to Iraq, she was assaulted outside of the gym. A man grabbed her from behind and physically dragged her to a dark place behind the building.

The man pushed her up against the wall and groped her. He had his arm under her neck, lifting her feet off the ground. He said, "I could kill you right now . . . and no one is going to miss you."

Technical Sergeant Smith was able to break free, and ran away as fast as she could. She went to work the next day and did not say anything about it because she feared retaliation and harassment.

This is happening now—in January 2012, Technical Sergeant Smith was back from Iraq at Shaw Air Base to manage pilot training. Whenever she checked her computer, she was bombarded with sexually hostile documents and videos. She reported the offensive material. Nothing was done.

In response to news coverage Sergeant Smith's formal complaint, Air Force Chief of Staff Gen. Mark Welsh ordered a service-wide sweep of workspaces and public areas for images, calendars and other materials that objectify women.

This sweep is inadequate, or worse. It appears to be a response to bad press rather than an aggressive tool to root out and expose this toxic culture.

The sweep which began on Wednesday, December 5th, provides a twelve-day window

for it to be completed after a very public notification.

This window and public notification intentionally or unintentionally provides service members the time to hide the content, and the opportunity for commanding officers to not find anything. Why did the Air Force tip off service members that the sweep was taking place? Commanding officers who performed the sweep also had an incentive not to find anything because it would reflect poorly on the command climate they are charged with maintaining.

This sweep also did not include individual desks, cabinet drawers, lockers, or military issued computer hard drives, where much of the content in the Smith complaint was stored.

Describing the need for a sweep, General Welsh explained, "In my view, all this stuff is connected.

If we're going to get serious about things like sexual assault, we have to get serious about an environment that could lead to sexual harassment. In some ways, this stuff can all be linked."

I agree with General Welsh. It's time to get serious about sexual assault in the military, but this must include credible and effective oversight actions to counter the culture that permits and fosters systemic harassment, assault, and rape.

And even with effective sweeps, it won't be as easy as taking down a calendar or deleting a computer file. Ending the epidemic of rape and sexual assault in the military will require a reboot of the military justice system, and addressing commander influence in these all too common cases. We owe Jennifer Smith and her many colleagues subjected to this gross harassment better. We don't tolerate it in the private sector.

MENTAL HEALTH FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. While our Nation still grieves the loss of so many children and teachers and others in Connecticut, it is a time for Congress to begin a thoughtful dialogue on what we can do to deal with these mass-casualty incidences in our country. They have been going on for some time; but perhaps when we see the faces of children, principals, teachers and others, it will burn upon our hearts and motivate us to take further action. I want to make sure, Mr. Speaker, that Congress takes the appropriate action in a thoughtful, willful, determined way and that it doesn't jump to quick conclusions as if simple fixes will prevent this from happening.

First, to the parents of children across America who are asking questions, Mr. Speaker, I'd like to offer some of this advice, and also in my background as a psychologist, it's important for people to remember this:

Parents should be asking their children what they have heard about the incident. We should listen to their concerns and their emotions. We should answer their questions with age-appropriate information. We should support and comfort and reassure them of their safety at home and at school. We should observe and watch for symptoms of problems, such as changes in appetite, such as sleep issues, worries, aggression, anger, and sadness. We should protect our children from other media exposure and information that creates more fear and problems;

It is important for parents to call for professional help for their children if they are showing some concerns and symptoms of this beyond simple adjustment. For parents who have children who also have anger disorders, it is important for parents to review with school personnel locally how their schools are handling security and providing counseling assistance at school;

It is important for parents to pay attention to their own concerns and worries and to, over time, keep watch as concerns and symptoms may come later—even for those who are far distant from the location where this occurred.

For my colleagues, Mr. Speaker, I recommend that we remove the stigma surrounding mental illness in our talk about it and that we, first and foremost, address this as a mental health issue. We must commit to expanding access for those who are unable to receive treatment. If parents are not sure what to do, we need to provide them with information and assistance to get their children help. We have to review a wide range of things, such as television violence and video games in relation to violent behavior. We have to make sure that we are reviewing research that is being done with the National Institutes of Health, the National Institute of Mental Health, and our universities across the country. What we do not yet have is an answer to understanding how we can accurately predict those who will perform violent acts.

It is also important to understand that, for mentally ill persons, it is a diagnosable and treatable condition, that in the vast majority of cases there is no violence involved, and that, as a matter of fact, those with mental illness are 11 times more likely to be the victims of aggression rather than the sources of aggression. We can understand some of the risks: these often times are people between the ages of 15 and 25, and they generally tend to be males, intelligent; but we need to make sure we are identifying and providing resources for care for the families.

At the Federal Government level, I also recommend that Congress use a thoughtful approach in reviewing every single mental health program that we fund. In the Department of Justice, the Department of Education, Health and Human Services, the Department of Defense, we need a thorough and thoughtful review of what we spend and how it is spent even if it gets down to the level of family and community.

Understand, for example, in the Children's Mental Health Services program, it was funded at $117 million in fiscal year 2012. The President has proposed a cut of nearly $29 million of this; and with sequestration, it will be cut by a further $8 million. Should we make those cuts? Is that a program that is using this money effectively and efficiently? Let's talk about these in a candid and honest way with Members of Congress and the community.

Let's also understand that about 58 million Americans suffer from a mental disorder in a given year. About one in four people will have some diagnosable illness; and if one seeks treatment, one can get help. We also need to understand that, with psychotropic medication, over 70 percent of the time it is prescribed by a non-psychiatrist. With persons who have other problems with that—drug interactions—or who have other problems not quite dealt with, it is important to make sure that insurance plans funded by the Federal Government, State governments, and private insurers are appropriately allowing people to be treated for this.

We have many directions in which we need to go on this. Let's make sure we don't go in the wrong direction.

HONORING THE REVEREND EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. I rise in honor of our outgoing Congressional Black Caucus chairman, Congressman Reverend EMANUEL CLEAVER.

Chairman CLEAVER has been a truly outstanding leader of the Congressional Black Caucus during the 112th Congress. We were fortunate to have his wisdom and steady—mind you, steady—leadership as we have navigated through some of the most contentious debates that I have witnessed during my time in Congress.

Faced with a job crisis unlike any that we have seen in recent history, Chairman CLEAVER instituted a very successful job initiative. With unemployment at record levels, with three to four unemployed persons for every single job opening, with 50 million in poverty, and with unemployment disparities like none we have ever seen, he understood that it was extremely important not only to talk about the need for jobs but to take action to bring jobs to the people, and that's exactly what Chairman CLEAVER and the Congressional Black Caucus did with last year's jobs tour, by launching jobs fairs in districts across the country, and we actually connected people with real jobs.

Chairman CLEAVER also helped lead the fight against the efforts to disenfranchise millions of voters. He has been a strong advocate for protecting the most vulnerable among us in ensuring that the social safety net stays in place and in pushing for a budget that is balanced and fair.

Now, as we are all trying to make sense of this so-called ''fiscal cliff,'' I

am reminded of what he said so succinctly as a result of last year's deal. He called it, quite frankly, a ''Satan sandwich.'' He has really been able to take leadership on these issues because, as a person of faith, he understands the moral and the, really, I think, extremely deep ethical impacts of our decisions. He pricks our conscience as we approach our deliberations.

Indeed, in what has many times and often times been the most divisive, polarizing, and political climate that many of us have experienced, Chairman CLEAVER has used his pastoral skills, his ability to bring people together on both sides of the aisle to help us all through times of trouble.

□ 1100

He is truly a Member's Member. He helped to remind us exactly why we are all here. And yes, he is a brilliant legislator, but he's also a prophetic leader.

Chairman CLEAVER visited my district on my birthday not long ago, and he blessed me and my church with a sermon. And I must say, it was a moving, a powerful, and a spirited sermon. He's truly an anointed pastor, and he has demonstrated this gift in his work and his leadership here in Congress.

Also, Chairman CLEAVER is a strong environmentalist, and I had the privilege to visit his district where, as mayor of Kansas City, he led the way in the greening of his great city. His presentation and his clarity on climate change and how it is affecting God's planet and its inhabitants is brilliant and it's clear. Communities of color and low-income communities owe Chairman CLEAVER a debt of gratitude for tackling this tough issue with patience and with clarity.

But I know that Chairman Reverend Congressman CLEAVER does not stand alone. He has an amazing support system with his family and his wife, Dianne, who has been a friend to me and to the Congressional Black Caucus. Dianne is a brilliant and beautiful woman who was taught, like myself, by the Sisters of Loretto. She has been by his side offering her advice, counsel, and love.

I thank Chairman CLEAVER for his friendship. My congressional district, my pastor, J. Alfred Smith, Sr., and Junior, the Allen Temple Baptist Church in Oakland, California, and my entire congressional district deeply appreciate Chairman CLEAVER's generosity and his attention, not only to his remarkable constituents and his district, but to my district, to all of our districts, to our great Nation, and to our country.

Thank you, Chairman Reverend Congressman EMANUEL CLEAVER for your tremendous leadership, for your friendship, and I look forward to our continuing work together for peace and justice.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, let it be very clear, EMANUEL CLEAVER is not retiring from the United States Congress, but we are here to thank him for his service to the Congressional Black Caucus as chair, but really to the Nation.

Let me thank my colleagues for gathering this morning to raise a voice of crescendo in thanks and appreciation for this man called EMANUEL CLEAVER. His progeny and his ancestors are grateful for the mark that he has made on behalf of America.

Chairman CLEAVER speaks eloquently about his origins of hailing from Texas and his many relatives who remain there, even those who are in the surrounding areas of the 18th Congressional District. He's a proud graduate of Prairie View A&M University in Texas, in the surrounding area of Houston, Prairie View, Texas. He has a great heritage and connectedness to the Black Power movement, and he is a good combination of peace, gentleness, firmness, leadership, and courage.

And I might say that he was a man for these times, just as the Bible dictated that Esther was a woman for her time, was there for a time such as that. Our chairman of the Congressional Black Caucus found his role in a number of challenges that we faced. And if I might paraphrase a Biblical story, hopefully I have it nearly right, but I call this chairman a modern day Joseph who is able to wear the multicolored coat, representing constituencies from all backgrounds and going to represent his people in a foreign land. Chairman CLEAVER would go to places where others had not gone or raise his voice for issues that were unpopular, and he did so with the consensus and collaboration of the astute and committed members of the Congressional Black Caucus.

I went to his district, as many of us did. We're proud to see the affection, friendship, and love given to him by his constituents. I was so interested in what we call the green corridor; so many are looking to instill and implement that in their own districts.

Thank you, Reverend CLEAVER, for coming to Houston, Texas, on more than one occasion, but particularly to the NAACP banquet when I was named a recipient of the Mickey Leland Humanitarian Achievement Award, but more importantly, for your words of diminished return that if, in fact, we go to the lowest common denominator, if we don't raise ourselves to the highest level of challenge, then it becomes a diminished return, if I might paraphrase Chairman CLEAVER's words. It was a rousing and challenging speech that lifted people off their feet, and it caused us to think about what we need to do.

Finally, as others have spoken of his work on creating jobs for all of America, particularly those underserved, where the African American job unemployment rate was so high, he was a champion during the debate and the challenge of passing the Affordable Care Act, now proudly ObamaCare. When we came together that Sunday, March 19, before we had to go and vote, it was Chairman CLEAVER that led us to a prayer service where we worshipped and were renewed. We came back ready to cast our votes, to put this great legislation that is going to save lives over the top. We did it as a body, as a collective body, and as a group of members of the Congressional Black Caucus. And so even preceding his time in leadership, he led.

Finally, Mr. Speaker, let me offer my thank-you to this native son of Texas, a graduate of Prairie View A&M, one of the great institutions in the State of Texas. Let me congratulate his wife and his wonderful children and his extended family and all those who have seen in him the willingness to sacrifice for others. Thank you, Chairman CLEAVER. The great news is you're not retiring from this body and your leadership for America will continue.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 5 minutes.

Ms. CLARKE of New York. Mr. Speaker, I rise today to pay tribute to the outgoing chairman of the Congressional Black Caucus, the Reverend and Representative EMANUEL CLEAVER, II, of Missouri, who is my colleague and good friend. Representative CLEAVER has graciously served with distinction in the House of Representatives and the Fifth Congressional District of Missouri for nearly 8 years.

He has been an outstanding chairman to the Congressional Black Caucus, ushering the caucus through its 40th anniversary. He cares deeply for all Americans—children, seniors, and the marginalized of our society. Who can forget his demonstrative leadership on the CBC Jobs Tour where tens of thousands of Americans lined up for an opportunity to present themselves to employers.

From creating economic opportunity, supporting quality education for all children, to ensuring equal access to health care for all Americans, Chairman CLEAVER has truly been the embodiment of the conscience of the Congress.

After the shooting of our colleague Gabrielle Giffords, her staff, and constituents in Tucson, Arizona, occurred, Chairman CLEAVER was one of the first people to call for civility and the end to the toxic rhetoric here in Washington.

Congressman CLEAVER led the effort to ensure that all citizens registered to

vote on National Voter Registration Day, which was an initiative to raise awareness to block the voter suppression efforts with the enacting of voter ID laws by numerous States during the Presidential election this year.

This outspoken, soft-spoken minister can bring the fire when needed. I cannot forget his legendary and enthusiastic speech to Democrats on the pressing issues that affect all Americans, as demonstrated in his 2012 Democratic National Convention speech in Charlotte, North Carolina. He is not afraid to display his passion for what is right.

□ 1110

Chairman CLEAVER is truly a man on a mission for his constituents in Kansas City and all Americans across this Nation. A crusader for justice, I am proud to serve alongside him in the Congressional Black Caucus and look forward to our continued friendship in the 113th Congress.

I wish him God's richest blessings and continued success.

HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ISRAEL) for 5 minutes.

Mr. ISRAEL. Mr. Speaker, I rise to join my colleagues in honoring Chairman EMANUEL CLEAVER. I have never had to wait so long to say something nice about a colleague of ours, and that gives you a sense of how wonderful Chairman CLEAVER has been as the chairman of the CBC, as a Member of Congress, and as a human being.

This is a place of hard elbows and harsh tongues, and Chairman CLEAVER has always worked to make us better, a better Congress and better as individuals.

He and I found common ground very early on in our tenure together. I created the House Center Aisle Caucus, and he reached out to me and we tried to figure out ways of injecting respect and tolerance and sensitivity into our discourse on the floor of the House. We share the value that listening is better than shouting and that bringing people together is a more valued tradition than driving them apart.

His leadership of the CBC has inspired so many of us, his ability to drive the CBC forward and, at the same time, to reach even higher. And I know that the incoming chairperson, Chairwoman FUDGE, will pursue those goals with equal tenacity and equal vision.

Finally, Mr. Speaker, I would say this. Although EMANUEL CLEAVER ascended to the highest position in the Congressional Black Caucus, although he has become a senior Member of this Congress, he has never forgotten that our fundamental ability is to work for those we serve, and he has reminded us every single day that no matter how high you are at any given time, there is always a higher calling. And for that we are forever grateful to Chairman CLEAVER, for his service to the CBC and his continuing service as a Member of this body. He has made us a better Congress and a better country, and we look forward to continuing to work with him.

HONORING REPRESENTATIVE EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 2½ minutes.

Mr. PAYNE. Mr. Speaker, today I rise to honor my good friend and mentor, chairman of the Congressional Black Caucus, Representative EMANUEL CLEAVER, the outgoing chairman of the CBC.

An accomplished and esteemed legislator, Congressman CLEAVER was instrumental in orchestrating the CBC For the People Jobs Initiative, which brought together private and public sector entities across the Nation to help the unemployed Americans get jobs.

He also spearheaded voter protection events to bring attention to the State voter suppression policies designed to discourage and prevent African Americans from exercising their right to vote.

Personally, it was my pleasure to get to know Congressman CLEAVER through his relationship with my father, the late Congressman Donald Payne, Sr. However, I became more acquainted with Mr. CLEAVER when I was a candidate for the 10th Congressional District of New Jersey.

Throughout the many encounters with Congressman CLEAVER, he has always shown tremendous leadership, intellect, kindness, and poise. These characteristics were on full display during the passing of my father. My family and I were honored to have Mr. CLEAVER deliver a very emotional and uplifting speech that was felt throughout the church during my father's home-going service in March. His advice and words of comfort during those very challenging times were tremendous help, and I will always be grateful for his unwavering support.

During my transition to Capitol Hill, he offered a great deal of support, oftentimes stopping me in the hallways to ask me how am I doing and how can he help. His assistance has eased my transition considerably, and I am grateful for the profound impact that Congressman CLEAVER has had on me.

In just a few months, I've come to know why my father considered him a great colleague and an outstanding leader. Today I cannot think of a better friend and mentor.

Thank you.

HONORING THE SERVICE OF CONGRESSMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 2½ minutes.

Mr. RANGEL. I don't rise to talk about and to give accolades to Congressman CLEAVER because he has served the Congressional Black Caucus so well. And the reason I don't is because I can't imagine that he won't continue to serve us as he has this capacity to do.

I know that Congresswoman Judge FUDGE is going to do a remarkable job, but there is a uniqueness about Reverend CLEAVER, Pastor CLEAVER, City Councilman CLEAVER, Mayor CLEAVER, Congressman CLEAVER. God has given these terrific assets to be able to take complex, emotional problems and to talk to you like he's known you all of your life as he helps you to work with him to try to find some solution.

Every time I hear him give a talk, I vision him in his church talking about those things that give inspiration to so many people that have lost hope, and especially now, as many have lost their homes and lost jobs.

As we struggle in this Congress today, in trying to bring some balance in terms of our deficit, our spending, as well as our raising the revenue, I cannot help but look at the reverend, Congressman, chairman in terms of the words of Matthew, when Jesus made it abundantly clear that, although the rich were not asking Jesus for comfort as related to providing for the sick and the naked and the poor and the underprivileged, somehow Jesus had said what EMANUEL CLEAVER follows, that it's not what we do here in the Congress for Members of Congress, indeed, it's not what we do for the rich and the middle class, but the basic question we all have to decide is: What did we do for the lesser among us, the vulnerable, the sick, the aged, and the poor?

Certainly, EMANUEL CLEAVER provides a conscience for all of us that are privileged to serve in this august body.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor one of Congress's finest members, Chairman EMANUEL CLEAVER, for his exemplary leadership and service to the Congressional Black Caucus.

While Chairman CLEAVER has worked on behalf of the people of Missouri's fifth district for the last eight years, and in service to the people of Kansas City as a councilman and mayor for many more than that, I want his constituents to know the depth, character, and accomplishments of the public servant they are so fortunate to have representing them and Americans across this country.

As Chairman of the Congressional Black Caucus, Congressman CLEAVER has guided its more than 40 members on their mission to extend the promise of the American dream to every community and corner of this Nation. Through his tireless advocacy on issues critical to the African American community and his stewardship of the Caucus's jobs fair initiative, Chairman CLEAVER worked to bring the business community together with the many talented and skilled workers that were disproportionately impacted during this recent economic recession.

He has worked to ensure that every child has an opportunity to receive a quality education; that every man and woman can exercise their constitutional right to vote, and that

the doors of economic and social opportunity are open to every American who seeks to step through them.

And, like so many of my fellow Members, I have the privilege of knowing Chairman CLEAVER as a dear friend and mentor. He is always ready with a kind or encouraging word, no matter the situation or where he stands on the issues.

I salute the Chairman for his distinguished leadership and achievements with the Congressional Black Caucus and congratulate him on this milestone in his career. As colleagues, we are grateful that we will continue to benefit from his service and friendship for years to come.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor our colleague, the Honorable EMANUEL CLEAVER III. Congressman CLEAVER has served with distinction during the 112th Congress as the 20th chair of the Congressional Black Caucus (CBC).

During his tenure as CBC chair, Chairman CLEAVER focused on bringing critical issues before the United States that are of importance to Black America such as voter protection, job creation, inequity in unemployment, the debt-ceiling and many other pressing issues facing our country. As a co-chair of the CBC Technology and Infrastructure taskforce I have worked closely with Chairman CLEAVER to advocate for the needs of community colleges, increased workforce training, initiatives to broaden participation in STEM and inadequate, outdated, and underfunded transportation systems.

Chairman CLEAVER deserves to be commended for highlighting African-American inequity in unemployment and spearheading the Congressional Black Caucus Jobs tour this past summer. The jobs tour was a nationwide initiative that helped pair thousands of unemployed African Americans with employers and brought the issue to the forefront of the national discussion. As past chair of the CBC I know that the work of the Caucus truly serves as a voice for the voiceless and its 43 Members serve as the conscience of the United States Congress.

It has been an honor to be a friend and colleague of Chairman CLEAVER during our years in Congress. He continues to inspire and encourage us all through his milestone of service to our Nation throughout his tenure as a United States Congressman.

Mr. Speaker, I would like to recognize Chairman CLEAVER for his many accomplishments during his tenure as Chairman of the CBC.

Mrs. CHRISTENSEN. I rise in tribute to the Chair of the Congressional Black Caucus, the Honorable EMANUEL CLEAVER this morning.

Every Chair brings a special brand of leadership to the Caucus and every term in which that Chair serves has its own unique challenges.

Chairman EMANUEL CLEAVER led the 112th Caucus with humor and equanimity and provided a strong and unwavering moral compass for not just the CBC, but for the entire Democratic Caucus.

His stories—we never knew where he was going with them until the end—were always full of wit and "down-home wisdom" and always held a message to remind us "whose we are" and "what is expected of us." There was always an inspirational message to fuel us for the task.

We were continually challenged during the 112th Congress, the recession, the contentious election season and its voter suppression initiatives, the ethics attacks on our members, and the Tea Party influence on our Republican colleagues made it a particularly challenging two years.

But he met and led us to meet those challenges head on and took the CBC to yet another higher level. I was proud to serve as his First Vice-chair.

I know these years were full of sacrifice for him and his family and so I proudly join all of the other members of the CBC to tell him thank you for his excellent and significant stewardship.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to congratulate Congressman EMANUEL CLEAVER, for the great job he has done as Chairman of the Congressional Black Caucus in the 112th Congress.

As the 20th chair of the Congressional Black Caucus, Congressman CLEAVER has benefited from the legacy of many great leaders from our past.

A legacy that includes inspiring leaders like Shirley Chisholm, the first African American female Member to be elected to Congress, Charles Diggs, Jr., the first Chairman of the Congressional Black Caucus, and the late great Congressman Donald Payne from New Jersey.

I can say with great sincerity, that Congressman CLEAVER has established a legacy of his own.

During his tenure as CBC Chairman Congressman CLEAVER has sought to fight the pervasive job loss in the African American community by promoting the CBC jobs initiative.

Chairman CLEAVER has led Members of the Congressional Black Caucus across the country, where we have called upon private and public sector partners to immediately remedy the jobs crisis by going into communities with legitimate employment opportunities for the undeserved.

Under Representative CLEAVER's leadership, the CBC has hosted town hall meetings and job fairs in the hardest hit, economically distressed areas to provide opportunities for people to be connected to real employment.

When Republican state legislators decided to pass egregious voter I.D. laws to undermine the Voting Rights Act of 1965, Congressman CLEAVER made sure that the Congressional Black Caucus was at the forefront of the fight to educate the voting public about these laws, and stop them in their tracks.

After working under the leadership of Congressman CLEAVER for the last two years, I can attest with great confidence that he has shown a natural aptitude for strong leadership, with a clear vision that will serve as a great example for future CBC Chairmen for years to come.

I think my colleagues would agree with me when I say—Congressman CLEAVER, you have served well.

Thank you for your commitment and your tireless effort on behalf of the CBC.

I look forward to working with you, and continuing to "fight the good fight" in the 113th Congress.

RECESS

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

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

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

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people's House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree.

Send Your healing upon our Nation. As we continue to recover from such a great tragedy, endow the Members of this House and all our governmental leaders with the wisdom to respond with whatever policies and laws might be needed to ensure greater peace and security in our land.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. CHU) come forward and lead the House in the Pledge of Allegiance.

Ms. CHU 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.

CORRECTING THE ENROLLMENT OF S. 2367

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 63 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word ''lunatic'' from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike ''in subsection (b)'' and insert ''in subsection (j)''.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUYE

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 64 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE ONE HUNDRED THIRTEENTH CONGRESS

Mr. OLSON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the resolution is as follows:

H. RES. 836

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred sixty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NO WASHINGTON PERMIT REQUIRED

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

Mr. POE of Texas. Mr. Speaker, the United States State Department has haughtily told Israel not to build homes in East Jerusalem. It might upset the Palestinians, sayeth the State Department. It might even hurt their feelings.

The United States has no business telling Israel or any other country where they can or cannot build homes in their own country. Israel doesn't need a construction permit from Washington to build a house on their own land. What would we think if some country told us we couldn't build homes in certain parts of our Nation? We would tell that country, in probably not very polite language, ''Mind your own business.''

The United States is once again meddling in the internal affairs of a sovereign nation. This is the arrogance of power. In the meantime, Prime Minister Netanyahu of Israel is going ahead with the housing project without the United States building permit. And good for him.

And that's just the way it is.

NOTHING WILL EVER BE MADE STRAIGHT ABOUT U.S. INTERVENTION IN LIBYA

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

Mr. KUCINICH. This past September 11, four Americans, including our Ambassador, were killed in Benghazi.

The responsibility for security failures has now been placed on the State Department. End of story? No. The deeper question is why did the U.S. intervene in Libya in the first place.

Twenty months after a U.S.-led mission to overthrow the Libyan Government, militias are still battling in the streets for control; al Qaeda-linked groups have a foothold in Libya they did not have before U.S. intervention.

Why did we spend U.S. tax dollars to open the door for al Qaeda in Libya? The intervention itself was a disaster, and it makes the case that the U.S. Government's policy of intervention in Libya was wrong and that everything that proceeds from that intervention is bound to be tainted.

The book of Ecclesiastes says: That which is crooked cannot be made straight. Nothing will ever be made straight about U.S. intervention in Libya.

SEQUESTRATION MUST BE ADDRESSED

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

Mr. WILSON of South Carolina. Madam Speaker, with the negotiations surrounding the fiscal cliff, the administration is ignoring sequestration. This important issue must be addressed which devastates national security and destroys 700,000 jobs.

In addition, I am grateful for the opportunity to offer a fond farewell to two hardworking staffers, Ryann DuRant, office scheduler, and Master Gunnery Sergeant Michelle King, military Fellow of the United States Marine Corps. Both women have served with dedication to the people of South Carolina's Second Congressional District. Michelle is relocating to the Pentagon where she will work with the Sexual Assault Prevention and Response Office. Ryann is taking a legislative correspondent and press assistant position with her new hometown representative of Myrtle Beach, Congressman-elect TOM RICE. Their competence, hard work, and good humor will be missed. We wish them all the best of success in the future.

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

WHAT OUR LAX GUN LAWS BRING US

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

Ms. CHU. Twenty children ages 6 and 7 went to school last Friday to learn, to play, to take their first steps into this world. What happened to them and six brave teachers determined to protect them is horrific and unimaginable. Our hearts break for their families, their friends, and their loved ones. What has been taken from them cannot be taken back.

The tragedy at Sandy Hook happened because we turned a blind eye to the carnage our lax gun laws bring us. It's time to change those laws before another school, mall, or movie theater is turned into a crime scene.

We must ban assault weapons. We must ban extended ammunition clips that shoot 30 bullets at a time. We must demand that everyone everywhere receives a thorough background check if they want to own a gun.

It's time to reclaim our security, and it starts by making changes to the law.

□ 1210

HONORING JOHN MATSUSHIMA

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

Mr. GARDNER. Madam Speaker, I rise today to honor Dr. John Matsushima, who will be honored as a Citizen of the West at the National Western Stock Show this coming January. This prestigious award has been presented since 1978, and the selected recipient must embody the spirit and determination of the Western pioneer who is committed to perpetuating the West's agricultural heritage and ideals. I can think of no better person to receive this honor than Dr. Matsushima.

Now 91 years old, he has dedicated his life to teaching others about agriculture and livestock. He began teaching in 1961 at Colorado State University, and he continued to enrich the lives of students until his retirement in 1992. Dr. Matsushima currently holds the title of professor emeritus at Colorado State University, and still spends significant time on campus as an adviser to those who will be future stewards of agriculture.

Among his many honors and awards, Dr. Matsushima received the Japan Emperor award in 2009 and was the first Japanese American to achieve this accomplishment. He has also received national and Colorado 4–H Club awards, the Colorado State University Livestock Leader award, and Colorado State's Best Teacher award.

He is a true pioneer who has committed his life's work to Colorado and to the Western United States. These stories highlight an amazing man, and I am proud to honor Dr. Matsushima on the House floor.

MAINTAIN THE C–130 FLEET

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

Mr. HIGGINS. Madam Speaker, this week, conferees met to reach an agreement on the National Defense Authorization Act. As we consider a final agreement, I rise in support of language in the conference report which prevents the movement and retirement of C–130 aircraft.

Madam Speaker, western New York is home to the Niagara Falls Air Reserve Station, which hosts a robust fleet of C–130 aircraft. These aircraft were among the planes used to deliver supplies to the regions of New York and New Jersey in the aftermath of hurricane devastation. Additionally, these western New York aircraft flew over 1,500 missions in Iraq and Afghanistan.

Representatives KATHLEEN HOCHUL, LOUISE SLAUGHTER, and I wrote to the conferees on this important issue, and we are pleased that the committee agreed to keep in language in the House-passed bill to maintain the C–130 fleet. I encourage the House to support the conference report language that will maintain the C–130 fleet.

THE TRAGEDY IN NEWTOWN, CONNECTICUT

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

Mr. OLSON. Madam Speaker, I rise today to express the sorrow I feel about the tragedy that happened in Newtown, Connecticut, last Friday.

I have a personal connection with Newtown. After being transferred from Texas, my parents were sent to Connecticut, to the corporate headquarters of my father's company. They bought a home in Newtown. My brother graduated from Newtown High School. I would go to Newtown for the holidays. I have driven past Sandy Hook Elementary School—the place where 20 innocent children and six adults were killed by a madman.

As a parent, I cannot imagine the pain the families who lost a child are feeling. From my brief time in Newtown, I saw that it was a true community with strong people. They will go forward, but they need our thoughts, our prayers, and our love.

May God bless them and help them find peace.

MEDICARE IDENTITY THEFT PREVENTION ACT

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

Mr. ALTMIRE. Madam Speaker, today the House will consider the Medicare Identity Theft Prevention Act, and I urge my colleagues to support it this afternoon.

Despite actions taken by this House and Federal agencies, Medicare identity theft continues to be a problem. Medicare's own inspector general issued a report stating that more than a quarter-million Medicare beneficiaries are potential victims of identity theft. This is simply unacceptable.

The bill we will consider today makes a commonsense change to Medicare cards that most seniors carry. It will ensure that, in the future, Social Security numbers are not displayed or embedded on these cards, which are issued to every Medicare beneficiary.

Seniors spend their whole lives building financial security for their retirement years. They shouldn't have to worry about losing it if someone steals one's Medicare card.

HONORING THE CAREER OF BOB MORTON, AN EASTERN WASHINGTON LEGEND

(Mrs. MCMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCMORRIS RODGERS. It is with great pride that I rise today to honor the tremendous service and career of Bob Morton, a 22-year veteran of the Washington State Legislature, who recently announced that he was going to be retiring at the end of the year.

He was first elected to the House in 1990, and then he was appointed to the Senate, where he currently represents the Seventh District, including Pend Oreille, Ferry, Stevens, and parts of Okanogan and Spokane Counties. He owned a small logging business and ran cattle while also preaching at his local church and serving the community.

But Bob is not just an outstanding legislator for eastern Washington; he is also a close friend, a mentor, and the reason that I got into politics and public service in the first place.

As an elected official, I've worked with him on countless issues, and his advice and friendship have been invaluable. He is recognized for his leadership and knowledge of forest health and good forest management. No one knows Western water law better than Bob, and he has participated in most of the negotiations over Washington water law.

Bob and his wife, Linda, have five children and 11 grandchildren, and I know they're looking forward to spending more time with them in their retirement. I wish them the best in their next adventures.

SUPERSTORM SANDY DISASTER ASSISTANCE PACKAGE

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

Mr. SIRES. Madam Speaker, it has been nearly 8 weeks since Superstorm Sandy struck our shores and devastated an entire region. It has been 8 weeks, and Congress has yet to send a disaster assistance package to the affected States.

It is precedent for this body to stand together in the aftermath of a natural disaster and to immediately provide the necessary assistance in order to help communities recover and rebuild. Two weeks after Hurricane Katrina hit the gulf coast, Congress approved more than $62 billion in Federal aid. One month after Hurricanes Ike and Gustav hit Texas, Congress approved more than $20 billion in aid.

Why can't this Congress come together and approve the $60 billion requested by the President to help the victims of Sandy? The damage done by Sandy is far beyond the resources and capacity that any single State possesses to recover on its own.

It is my hope that this Chamber can set aside its differences and swiftly approve the supplemental funding. Such assistance will aid those who have lost everything in the storm, and it will help to rebuild our communities stronger than ever. New Jersey, New York, and Connecticut have always stood by other regions of this Nation

that have been faced with difficult circumstances. I trust that my colleagues in Congress will now come to our aid.

THE NEWTOWN TRAGEDY AND THE NEED FOR TIGHTER GUN CONTROL

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

Ms. TSONGAS. Madam Speaker, every corner of America has been deeply affected by the tragic loss of so many lives in Newtown, Connecticut. We mourn for the enormity of grief and for the inconsolable loss visited upon Newtown's families, and we know that our response to Newtown must not and cannot go the way of the many other senseless acts of violence we almost routinely witness. The tragedy in Newtown must be a call to action.

Members from both sides of the aisle have acknowledged that it is time for a conversation about the accessibility of high-capacity weapons in our country and of the culture of violence we live in. This conversation is long overdue, and it is simply not an option to allow this discussion to become stagnant or to be bullied into silence by seemingly untouchable organizations.

America's laws must reasonably control gun manufacturing, sale, and usage. We must act to make real changes that will provide real protection for America's families. In the days to come, let us work together to do just that.

LET US MOURN WITH ACTION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, you will hear many voices being raised in the backdrop of an unspeakable tragedy from which, even as Members think of it, they cry.

Just a few minutes ago, there was a press conference in which there was probably not a dry eye in that room as Members gave tribute to those lives lost and to those being buried today, and as they spoke of their own anguish, their lost children, and of the loss of their fellow staff members in a gun incident.

So I rise today to say that we must act and can act and can pass legislation even this week. I join with Senator FEINSTEIN's effort and Congressman PERLMUTTER's and Congresswoman MCCARTHY's and that of many others with legislation. I join with the legislation of H.R. 277, that talks about protecting our children, which was introduced by myself. I join with the statement by the Progressive Caucus that speaks about this ammunition, these guns, and mental health. I also join with Dick's Sporting Goods store.

I will just personally say to those who are listening: maybe you'll want to turn in your guns. Oh, no. I am not going to take your guns, but look at what Dick's Sporting Goods did in the moment they wanted to be part of the solution and a part of America. Let us mourn with action.

God bless those who have lost their lives.

□ 1220

COMMEMORATING LIFE OF JENNI RIVERA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise to honor and commemorate the life of Mexican American singer Jenni Rivera. Jenni used her powerful voice, soulful singing style, and honest lyrics to create a message that spoke to the resiliency of women.

That powerful voice was silenced forever when she and six others were killed in a plane crash on November 9. Born and raised in Long Beach, California, to immigrant parents from Mexico, Jenni Rivera started her career selling her CDs at flea markets. When she died at the age of 43, Jenni was a top-selling artist, an actress, television producer, and entrepreneur.

Tragically, she was on the cusp of multicultural stardom when she died. She had just finished filming her first film and was in talks with ABC to star in her own sitcom.

Her talent and authenticity shined brightly in a music genre dominated by men. Jenni's lyrics offered a new and refreshing woman's perspective.

Madam Speaker, please join me in honoring the memory of Jenni Rivera and the message of empowerment she gave to millions of women that she spoke for.

IMPLEMENTING THE HIRE ACT

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

Mr. WALZ of Minnesota. Madam Speaker, as more and more of our brave warriors return from Afghanistan, more and more of them are looking for work. It's our duty as a Nation to make sure that we're doing everything possible to get these troops reemployed. That's why I'd like to applaud both the Senate and the House for including in the National Defense Authorization Act the Helping Iraq and Afghanistan Veterans Return to Employment, the HIRE Act.

What it does is establish a very commonsense process that encourages State credentialing authorities to consider certain military occupational training when granting licenses. It makes absolutely no sense to force a battlefield medic to spend time and Federal dollars taking redundant training to be an EMT. It makes no sense for a State agency that wouldn't count hundreds of hours driving heavy equipment in Afghanistan to get a CDL license. The Department of Defense spends $140 billion a year training our military personnel, the best in the world. It would be ludicrous to not use that investment to get them jobs here at home.

Eight States have already passed legislation to develop the process. I encourage Members of Congress, talk to their State and their Governor to get this done.

FISCAL TURNING POINT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, as a Nation, we are gaining momentum as our economy gets back on track. For my constituents in San Diego, home prices are on the rise and most employers are adding jobs and hours instead of cutting back. We cannot afford to undo the progress we are making, especially for the middle class.

The only way to accelerate our economic progress is to balance economic development with protection for the most vulnerable Americans from job losses, tax increases, and program cuts. Americans young and old need to know that Congress believes in the future and that we'll work together to keep our country on the rise.

I think often of Gandhi's statement: The future depends on what we do in the present.

Let's not waste this critical opportunity to advance economic growth and invest in our future.

PREVENTING MORE SANDY HOOKS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, we have experiences in our personal and collective lives that challenge us profoundly, forcing us to search our souls and to change our behavior. Our Nation experienced such a moment on Friday as 20 children were gunned down at Sandy Hook Elementary School, along with six teachers and administrators who were attempting to protect them.

As we mourn and reach out to the families of Newtown, we owe the victims and each other serious consideration of how to prevent more Newtowns and Auroras and Oak Creeks and Tucsons. We must shore up mental health outreach and support, especially for troubled young people. And politically difficult as it may be, we must deal with the instruments of destruction, keeping deadly weapons out of the hands of violent and deranged people and removing weapons of mass killing from our streets.

The horror of Sandy Hook must overcome any temptation to accept the unacceptable or to avoid responsibility for addressing the crying need for change.

RESOLVING FISCAL CLIFF

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

Ms. HANABUSA. Madam Speaker, people have no idea what we're doing because we don't know what we're doing. It reminds me of being in traffic: we all hurry to get to where—to another bottleneck and to wait.

Resolving the fiscal cliff is an opportunity to show that we can work together in a bipartisan manner; but to do so, we must listen and put the people first and the party second. If we don't, a middle class family of four will see their taxes rise by $2,200 in 2013. Unemployment will go up to 9.1 percent.

Remember, the cost of extending all of the Bush tax cuts is $2.4 trillion in 10 years. Extend the middle class tax cuts and let the Bush tax cuts for the upper 2 percent return to the Clinton rates. We cannot sacrifice the middle class, the steady job growth that we've seen just to protect the upper 2 percent. This is not the message we want to send, and this is not the message Republicans want to send.

ADDRESSING GUN VIOLENCE

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

Mr. HIMES. Madam Speaker, I joined my colleagues in the Connecticut delegation in Newtown last Sunday night. We will never forget that vigil—the despondency, the anger, the hopelessness. But over time, that emotion turns into the imperative that we act as public officials to make sure that this never happens again.

We have so much to do in a Nation awash in guns, and not just guns, but guns that are designed for the explicit purpose to do nothing but to kill lots of people quickly, in a Nation that celebrates violence as a solution and as entertainment, in a Nation that does not do enough to address the needs of its mentally disturbed.

One thing we should do right away, though, is put to rest forever the pernicious fantasy that more people carrying arms will make us safer. That's not backed by fact. It's not backed by data. It's not backed by history. It is a testosterone-laden fantasy. A gun in the home is 22 times more likely to be used in a suicide or a murder or violent assault than it is likely to be used in self-defense.

The RAND Corporation studies show that police officers trained in a situation of an exchange of gunfire hit their intended target less than two in 10 times—trained police officers. Ladies and gentlemen, more guns do not make for a safer America.

COMMONSENSE GUN SAFETY LAWS

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

Mr. CICILLINE. Madam Speaker, yesterday my office hosted the Brady Campaign to Prevent Gun Violence, and I met with families whose lives have been devastated by gun violence, families who lost loved ones in Columbine, at Virginia Tech, at Aurora, and in other incidents. No words of mine could ever match the pain that these families felt as a result of these losses.

The recent tragedy in Newtown, unfortunately, is the most recent in a long series of mass killings involving guns. But this incident is especially horrific because it involved the slaughter of 20 innocent children and their teachers. This must mark a turning point in the debate over commonsense gun safety laws. It's critical for lawmakers on both sides of the aisle to commit themselves to do everything we can to end this violence because commonsense gun laws aren't Democratic values or Republican values; they're American values. And if our values as Americans mean anything at all, then surely all Americans are entitled to enjoy their lives and live in neighborhoods that are safe and free from gun violence.

There is lots of talk about a national conversation, beginning a dialogue. The time for talking is over. Now we must act: banning assault weapons and high-capacity assault clips, fixing our criminal background check system, and closing loopholes that allow 40 percent of gun sales to go forward without background checks.

□ 1230

RECENT DECREASE IN MENTAL HEALTH FUNDING

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

Ms. KAPTUR. Madam Speaker, in view of what has happened in Newtown, Connecticut, it is important to place on the Record the fact that our Nation has been experiencing the largest reduction in State mental health services of this generation. According to the National Alliance on Mental Illness, States have cumulatively cut over $1.8 billion from their mental health services between 2009 and 2011. This is the largest reduction in State mental health services in half a century.

With 1 in 17 people in America living with a serious neurological condition, how is this tremendous decrease in funding possible or humane?

Often, those who suffer the most are angels of destiny. According to a report from the Federal Bureau of Justice statistics, more than half of our country's prison population suffers or has suffered from mental disorders, but only a fraction of that population receives treatment during their incarceration. And, in fact, individuals with mental illness are far more likely to be victims of crime than the perpetrators.

Newtown is a national tragedy, Madam Speaker, but it reveals again our shared responsibility to support and treat those in this country who need our help so desperately. I urge our colleagues to support a more constructive Federal role in assuring proper and early diagnosis and intervention of affected youth and appropriate treatment.

I congratulate President Obama and Vice President BIDEN for their leadership in moving our Nation to a better day for us all. So many of us here in Congress wish to join them in this great national challenge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). 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.

REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 668

Resolved,

SECTION 1. REFERRAL.

Pursuant to section 1492 of title 28, United States Code, the bill (H.R. 5862), entitled ''A Bill relating to members of the Quapaw Tribe of Oklahoma (O-Gah-Pah),'' now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims for a determination as to whether the Tribe and its members have Indian trust-related legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution.

SEC. 2. PROCEEDING AND REPORT.

Upon receipt of the bill, the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations; and

(2) report back to the House of Representatives, at the earliest practicable date, providing—

(A) findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the Indian-trust related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation as legal or equitable

claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution; and

(B) the amount, if any, legally or equitably due from the United States to the claimants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam 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 the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank the gentleman from Oklahoma (Mr. COLE) for sponsoring House Resolution 668.

This bill allows a Native American Tribe that resides in Oklahoma, the Quapaw, to appear before the United States Federal court of claims to plead for damages against the Federal Government for mismanagement of tribal funds. The court would issue a report, either favorable or unfavorable, to the tribe. If favorable, the Natural Resources Committee would be authorized to move separate legislation to effect the court's decision.

In 2002, the tribe filed a lawsuit for an accounting in Federal district court of the U.S. Government's mismanagement of tribal and tribal member trust assets.

In November 2004, the tribe and the U.S. Government agreed that the tribe and third-party contractors would conduct an accounting of the U.S. Government's actions and inactions related to the trust assets. This was to facilitate a mediated solution to this lawsuit's claims. In exchange for this mediated route, the tribe would dismiss the lawsuit.

In June 2010, after 5 years of accounting and related analysis, the Quapaw Analysis was completed and shared with the U.S. Government. This set the stage for mediation. That analysis confirmed that the government's mismanagement of the Quapaw's trust constituted a breach of trust.

The tribe initiated multiple attempts to resolve their claims, which the government rejected. By 2011, the tribe sought relief in court from the government's failure to fulfill its trust obligations and to mediate and settle the trust claims.

Last year, eight Quapaw Tribe members filed a class-action lawsuit on behalf of themselves and other individuals for damages based on breach of trust. The government filed motions to dismiss the case and also refused to respond to a formal settlement demand proffered by the tribe.

The government's foot-dragging necessitates our passage of House Resolution 668 today. The bill doesn't guarantee a desired outcome; it only allows the Quapaw a chance to go before the Federal court of claims and make their best case. Even if the court rules in their favor, the Natural Resources Committee must still move subsequent legislation that incorporates the court's decision through both Houses of Congress.

Also, a revision to the bill stipulates that an award of damages by the court only applies to claims that are not already pending before the Court of Federal Claims. This ensures that claimants will not be doubly or excessively compensated.

Again, I want to thank the gentleman from Oklahoma (Mr. COLE) for his persistence on this issue and for introducing this particular bill. I urge my colleagues to support House Resolution 668.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 668, a congressional reference bill concerning the trust-related claims of the Quapaw Tribe of Oklahoma.

Now, congressional reference bills are rare in Congress. The House hasn't considered such a bill since 2002 in the 107th Congress, but the fact that this procedure is a rare one doesn't mean that it isn't a useful one.

Unlike most other legislation, reference bills require passage in only one Chamber to take effect. If passed by either the House or Senate, the bill would simply refer a claim against the U.S. Government to the U.S. Court of Federal Claims for consideration.

The court, however, as the chairman has indicated, would not be authorized to render a final ruling on the claim. Rather, it would only be authorized to consider evidence and to submit a report to Congress with its findings and recommendations. Congress could then decide, based on the court's report, whether or not to enact a private claims bill or appropriate funds to the claimant in the interest of justice.

In this case, H. Res. 668 would refer the bill, H.R. 5862, a bill relating to members of the Quapaw Tribe of Oklahoma, to the Court of Federal Claims. And as amended, the bill would authorize the court to determine whether the tribe and its members have trust-related legal or equitable claims against the U.S., other than legal claims that are currently pending before the court.

We have consulted with the Department of Justice and the Department of the Interior on this matter, and both agencies agree that the Quapaw Tribe has legitimate claims against the United States concerning certain tribal lands that were held in trust by the Federal Government. The only real dispute is the value of the claim.

This makes this congressional reference bill an appropriate measure to help bring this matter to a final resolution. By referring the case to the Federal claims court, they can consider all the evidence, submit a report on what the court believes to be the appropriate value of the tribal claim, and then, based on that court's findings and conclusions, Congress can play its appropriate role to consider whether or not it is in the interest of justice to pass a private claims bill or otherwise appropriate funds to satisfy the claim.

This procedure will help the Congress do the right thing, and that's why we're sent here, to do the right thing.

So I ask my colleagues to support this important legislation. I commend Congressman COLE for his diligent pursuit of this matter of justice.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. COLE), who is the sponsor of this legislation.

Mr. COLE. I thank the gentleman for yielding.

I had a long oration I was going to make, but I want to be quite honest. My good friend Chairman SMITH and my good friend Ranking Member LOFGREN have actually covered the case as well or better than I can. They're both distinguished attorneys. They understand the intricacies involved here, so there's no need for me to go through and literally repeat point by point what they have already made.

I do want to make one central point, or two points.

First, I want to thank both of them. This is a matter of justice. This is a bipartisan effort to try and make sure that an Indian nation that has a legitimate claim against the United States of America has an opportunity to go to court and make its case; no predetermination of the outcome, no settlement without coming back through Congress again, just simply an opportunity to make a case of an injustice that all sides admit occurred, and establish what's fair compensation.

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I want to commend, again, both my colleagues, and particularly Chairman SMITH. This simply could not have happened without his cooperation, his help, and the diligent work of his staff.

I urge passage of the legislation.

INTRODUCTION

Several hundred years ago, the Quapaw ("the Downstream People") were part of a larger group known as the Dhegiha Sioux, which split into the modern tribes known as the Quapaw, Osage, Ponca, Kansa, and Omaha. The Quapaw's ancestral lands are located at the confluence of the Arkansas and Mississippi rivers in what is present day Arkansas. When first encountered by the Europeans in the 1670's, there were some 20,000 Quapaws living in four villages in this area.

A series of treaties with the U.S. Government resulted in most of the Quapaw land being ceded to the United States, and the

Tribe acquiesced to relocation to the far northeastern corner of present day Oklahoma. In the process, the tribal land base was whittled down to its current acreage.

After Quapaw lands in Oklahoma were found to contain rich deposits of zinc and lead in 1905, the Government allowed mining activities to be carried out largely unfettered, and not for the benefit of the Quapaws. For years the value of the Quapaw mineral estate was exported from their land with the Government failing to ensure that royalties, bonuses and other payments were properly made and managed.

WHY H. RES. 668 IS NECESSARY

The Office of Historical Trust Accounting (OHTA) was established by Secretary of the Interior Secretarial Order No. 3231 on July 10, 2001; OHTA is charged with planning, organizing, directing and executing the historical accounting of tribal trust accounts and nonmonetary assets.

In 2002, the Tribe filed a lawsuit for an accounting and for asset mismanagement in the Federal District Court in Oklahoma alleging the U.S. Government owed them an accounting and had mismanaged their funds and nonmonetary assets.

During this time, there were over 104 tribal lawsuits pending and the Department of the Interior—Office of Historic Trust Accounting's ability to fund the accountings and determine whether assets were mismanaged was severely limited. At the same time, the Department of Justice had similar concerns about its ability to respond to the myriad of tribal lawsuits

In July 2004, the U.S. Government and the Tribe negotiated and agreed to settle the pending lawsuit, and enter into an agreement under which the Department of the Interior would enter into a contract with Quapaw Information Services as contractor, to "identify, select, and analyze documents, and prepare an analysis (the Quapaw Analysis), of Interior's management" of the Tribe's Tribal Trust Fund Account, along with certain non-monetary land and natural resources assets held in trust on behalf of the Tribe, and eight individual members of the Tribe.

In 2010—after six years of work, Quapaw Information Systems gave its report to the U.S. Government. In turn, the U.S. Government accepted the accounting as being in conformity with the Federal standards, but refused to do anything with the accounting.

The Tribe fulfilled its end of the bargain. The U.S. Government did not.

By 2011, the Tribe was left with no choice but to seek relief in court from the Government's failure—not only its failure to fulfill its trust obligations, but its agreement to mediate and settle the matter once the accounting was completed. Accordingly, eight Quapaw tribal members filed a class-action lawsuit on behalf of themselves and all other similarly situated tribal members. This case, Goodeagle v. United States, seeks damages for the Government's breach of trust in the U.S. Court of Federal Claims.

In May 2011, the Tribe submitted a formal settlement demand to the Government, to which the Government has never responded.

Instead, the Government has filed repeated Motions to Dismiss the Goodeagle case.

With the settlement demand ignored, and the Government's ongoing refusal to resolve these claims through settlement, in September 2012, the Tribe filed a complaint for damages in the U.S. Court of Federal Claims.

In November 2012, the Government filed yet another motion to dismiss the Tribe's case.

THE MECHANICS OF H. RES. 668

To ensure that the Tribe and its members can pursue their trust-related claims in the U.S. Court of Federal Claims, Rep. TOM COLE and Rep. DAN BOREN introduced H. Res. 668. Notably, this resolution does not pre-determine the outcome of the U.S. Court of Federal Claims review of the Tribe's lawsuit.

It simply allows the Tribe and its members to plead their case to a neutral decision-maker in a judicial proceeding.

Some may assume that the sending of a congressional reference to the U.S. Court of Federal Claims has already predetermined liability in favor of a claimant. As observed by former House Member (Rep. Marion T. Bennett (R–MO)), who became a Claims Court judge, "nothing could be further from the truth or the intent of Congress . . . Congress intends only to afford an impartial and independent forum for determination of the merits of a complex claim by judicial methods." Bennett, Private Claims Acts and Congressional References, 9 JAG L. Rev. 9 (1967).

H. Res. 668, as amended, simply affords the Tribe and its members the chance to present their case about the nature, extent, and character of the Indian trust related claims of the Quapaw Tribe and its tribal members for compensation as legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of House approval of this to a neutral decision-maker in a judicial proceeding.

Ms. ZOE LOFGREN of California. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 668.

The question was taken.

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

Ms. ZOE LOFGREN of California. Madam 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6672) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6672

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Reauthorization Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES
Sec. 101. National Health Security Strategy.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Advisory Committee on Children and Disasters.
Sec. 104. Modernization of the National Disaster Medical System.
Sec. 105. Continuing the role of the Department of Veterans Affairs.
TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE
Sec. 201. Temporary redeployment of federally funded personnel during a public health emergency.
Sec. 202. Improving State and local public health security.
Sec. 203. Hospital preparedness and medical surge capacity.
Sec. 204. Enhancing situational awareness and biosurveillance.
Sec. 205. Eliminating duplicative Project Bioshield reports.
TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW
Sec. 301. Special protocol assessment.
Sec. 302. Authorization for medical products for use in emergencies.
Sec. 303. Definitions.
Sec. 304. Enhancing medical countermeasure activities.
Sec. 305. Regulatory management plans.
Sec. 306. Report.
Sec. 307. Pediatric medical countermeasures.
TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT
Sec. 401. BioShield.
Sec. 402. Biomedical Advanced Research and Development Authority.
Sec. 403. Strategic National Stockpile.
Sec. 404. National Biodefense Science Board.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) IN GENERAL.—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking "2009" and inserting "2014"; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting ", including drills and exercises to ensure medical surge capacity for events without notice" after "exercises"; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "facilities), and trauma care" and inserting "and ambulatory care facilities and which may include dental health facilities), and trauma care, critical care,"; and

(II) by inserting "(including related availability, accessibility, and coordination)" after "public health emergencies";

(ii) in subparagraph (A), by inserting ''and trauma'' after ''medical'';

(iii) in subparagraph (B), by striking ''Medical evacuation and fatality management'' and inserting ''Fatality management'';

(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(v) by inserting after subparagraph (B), the following the new subparagraph:

''(C) Coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care.'';

(vi) in subparagraph (E), as redesignated by clause (iv), by inserting ''(which may include such dental health assets)'' after ''medical assets''; and

(vii) by adding at the end the following:

''(G) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other health care facilities, critical care, and trauma care (which may include trauma centers) and emergency medical systems.'';

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including the unique needs and considerations of individuals with disabilities,'' after ''medical needs of at-risk individuals''; and

(ii) in subparagraph (B), by inserting ''the'' before ''purpose of this section''; and

(D) by adding at the end the following:

''(7) COUNTERMEASURES.—

''(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

''(B) For purposes of this paragraph, the term 'countermeasures' has the same meaning as the terms 'qualified countermeasures' under section 319F–1, 'qualified pandemic and epidemic products' under section 319F–3, and 'security countermeasures' under section 319F–2.

''(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

''(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

''(B) promoting familiarity with local medical and public health systems.''.

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh–16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) in paragraph (4), by striking ''2811(b)(3)(B)'' and inserting ''2802(b)(4)(B)'';

(3) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(4) by inserting before paragraph (2) (as so redesignated), the following:

''(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;'';

(5) by amending paragraph (2) (as so redesignated) to read as follows:

''(2) oversee the implementation of the preparedness goals described in section 2802(b) with respect to the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);'';

(6) by inserting after paragraph (6), the following:

''(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

''(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting '', security countermeasures (as defined in section 319F–2),'' after ''qualified countermeasures (as defined in section 319F–1)'';

(B) in paragraph (4), by adding at the end the following:

''(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 504(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.

''(E) IDENTIFICATION OF INEFFICIENCIES.—Identify and minimize gaps, duplication, and other inefficiencies in medical and public health preparedness and response activities and the actions necessary to overcome these obstacles.

''(F) COORDINATION OF GRANTS AND AGREEMENTS.—Align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in consultation with the Secretary of Homeland Security, to—

''(i) optimize and streamline medical and public health preparedness and response capabilities and the ability of local communities to respond to public health emergencies; and

''(ii) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate.

''(G) DRILL AND OPERATIONAL EXERCISES.—Carry out drills and operational exercises, in consultation with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness and response, including exercises based on—

''(i) identified threats for which countermeasures are available and for which no countermeasures are available; and

''(ii) unknown threats for which no countermeasures are available.

''(H) NATIONAL SECURITY PRIORITY.—On a periodic basis consult with, as applicable and appropriate, the Assistant to the President for National Security Affairs, to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.''; and

(C) by adding at the end the following:

''(7) COUNTERMEASURES BUDGET PLAN.—Develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities described in subsection (d). Each such plan shall—

''(A) include consideration of the entire medical countermeasures enterprise, including—

''(i) basic research and advanced research and development;

''(ii) approval, clearance, licensure, and authorized uses of products; and

''(iii) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

''(B) inform prioritization of resources and include measurable outputs and outcomes to allow for the tracking of the progress made toward identified priorities;

''(C) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F–2; and

''(D) be made available to the appropriate committees of Congress upon request.'';

(2) by striking subsection (c) and inserting the following:

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have lead responsibility within the Department of Health and Human Services for emergency preparedness and response policy coordination and strategic direction;

''(2) have authority over and responsibility for—

''(A) the National Disaster Medical System pursuant to section 2812;

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

''(C) the Biomedical Advanced Research and Development Authority pursuant to section 319L;

''(D) the Medical Reserve Corps pursuant to section 2813;

''(E) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

''(F) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;

''(3) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C–1;

''(B) the Strategic National Stockpile pursuant to section 319F–2; and

''(C) the Cities Readiness Initiative; and

''(4) assume other duties as determined appropriate by the Secretary.''; and

(3) by adding at the end the following:

''(d) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Assistant Secretary for Preparedness and Response shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. In developing such a plan, the Assistant Secretary for Preparedness and Response shall consult with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food

and Drugs. Such strategy and plan shall be known as the 'Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan'.

''(2) REQUIREMENTS.—The plan under paragraph (1) shall—

''(A) describe the chemical, biological, radiological, and nuclear agent or agents that may present a threat to the Nation and the corresponding efforts to develop qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), or qualified pandemic or epidemic products (as defined in section 319F–3) for each threat;

''(B) evaluate the progress of all activities with respect to such countermeasures or products, including research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization;

''(C) identify and prioritize near-, mid-, and long-term needs with respect to such countermeasures or products to address a chemical, biological, radiological, and nuclear threat or threats;

''(D) identify, with respect to each category of threat, a summary of all awards and contracts, including advanced research and development and procurement, that includes—

''(i) the time elapsed from the issuance of the initial solicitation or request for a proposal to the adjudication (such as the award, denial of award, or solicitation termination); and

''(ii) an identification of projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (C), including projected needs with regard to replenishment of the Strategic National Stockpile;

''(E) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

''(F) evaluate progress made in meeting timelines, allocations, benchmarks, and milestones identified under subparagraph (D)(ii);

''(G) report on the amount of funds available for procurement in the special reserve fund as defined in section 319F–2(h) and the impact this funding will have on meeting the requirements under section 319F–2;

''(H) incorporate input from Federal, State, local, and tribal stakeholders;

''(I) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals (as defined in 2802(b)(4)(B)), as applicable under subparagraph (C), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile, including by addressing the needs of pediatric populations with respect to such countermeasures and products in the Strategic National Stockpile, including—

''(i) a list of such countermeasures and products necessary to address the needs of pediatric populations;

''(ii) a description of measures taken to coordinate with the Office of Pediatric Therapeutics of the Food and Drug Administration to maximize the labeling, dosages, and formulations of such countermeasures and products for pediatric populations;

''(iii) a description of existing gaps in the Strategic National Stockpile and the development of such countermeasures and products to address the needs of pediatric populations; and

''(iv) an evaluation of the progress made in addressing priorities identified pursuant to subparagraph (C);

''(J) identify the use of authority and activities undertaken pursuant to sections 319F–1(b)(1), 319F–1(b)(2), 319F–1(b)(3), 319F–1(c), 319F–1(d), 319F–1(e), 319F–2(c)(7)(C)(iii), 319F–2 (c)(7)(C)(iv), and 319F–2(c)(7)(C)(v) of this Act, and subsections (a)(1), (b)(1), and (e) of section 564 of the Federal Food, Drug, and Cosmetic Act, by summarizing—

''(i) the particular actions that were taken under the authorities specified, including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

''(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

''(iii) the number of, nature of, and other information concerning the persons and entities that received a grant, cooperative agreement, or contract pursuant to the use of such authorities, and the persons and entities that were considered and rejected for such a grant, cooperative agreement, or contract, except that the report need not disclose the identity of any such person or entity;

''(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6), a contract was entered into within one year after such approval by the President; and

''(v) with respect to section 319F–1(d), for the one-year period for which the report is submitted, the number of persons who were paid amounts totaling $100,000 or greater and the number of persons who were paid amounts totaling at least $50,000 but less than $100,000; and

''(K) be made publicly available.

''(3) GAO REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date of the submission to the Congress of the first Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning such Strategy and Implementation Plan.

''(B) CONTENT.—The report described in subparagraph (A) shall review and assess—

''(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to paragraph (2)(C);

''(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

''(iii) the progress made toward meeting the timelines, allocations, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

''(e) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (b)(7) and (d), the Secretary shall ensure that information and items that could compromise national security, contain confidential commercial information, or contain proprietary information are not disclosed.''.

(b) INTERAGENCY COORDINATION PLAN.—In the first Public Health Emergency Countermeasures Enterprise Strategy and Implementation Plan submitted under subsection (d) of section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) (as added by subsection (a)(3)), the Secretary of Health and Human Services, in consultation with the Secretary of Defense, shall include a description of the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the following:

''SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the 'National Advisory Committee on Children and Disasters' (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards emergencies; and

''(3) provide advice and consultation with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

''(A) the Assistant Secretary for Preparedness and Response;

''(B) the Director of the Biomedical Advanced Research and Development Authority;

''(C) the Director of the Centers for Disease Control and Prevention;

''(D) the Commissioner of Food and Drugs;

''(E) the Director of the National Institutes of Health;

''(F) the Assistant Secretary of the Administration for Children and Families;

''(G) the Administrator of the Federal Emergency Management Agency;

''(H) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

''(I) at least two representatives from State, local, territorial, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

''(J) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

''(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

''(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.''.

SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting '', including at-risk individuals as applicable'' after ''victims of a public health emergency'';

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B), the following:

''(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.''.

''(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.''; and

(2) in subsection (g), by striking ''such sums as may be necessary for each of the fiscal years 2007 through 2011'' and inserting ''$52,700,000 for each of fiscal years 2013 through 2017''.

SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking ''such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011'' and inserting ''$155,300,000 for each of fiscal years 2013 through 2017 to carry out this section''.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

SEC. 201. TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

''(e) TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.—

''(1) EMERGENCY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL.—Notwithstanding any other provision of law, and subject to paragraph (2), upon request by the Governor of a State or the chief of a tribe or such Governor or chief's designee, the Secretary may authorize the requesting State or tribe to temporarily redeploy, for purposes of immediately addressing a public health emergency in the State or tribe, non-Federal personnel funded in whole or in part through, as appropriate, programs under this Act.

''(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

''(A) PUBLIC HEALTH EMERGENCY.—The Secretary may authorize a temporary redeployment of personnel under paragraph (1) only during the period of a public health emergency determined pursuant to subsection (a).

''(B) CONTENTS OF REQUEST.—To seek authority for a temporary redeployment of personnel under paragraph (1), the Governor of a State or the chief of a tribe shall submit to the Secretary a request for such authority and shall include in the request each of the following:

''(i) An assurance that the public health emergency in the geographic area of the requesting State or tribe cannot be adequately and appropriately addressed by the public health workforce otherwise available.

''(ii) An assurance that the public health emergency would be addressed more efficiently and effectively through the requested temporary redeployment of personnel.

''(iii) An assurance that the requested temporary redeployment of personnel is consistent with the any applicable All-Hazards Public Health Emergency Preparedness and Response Plan under section 319C–1.

''(iv) An identification of—

''(I) each Federal program from which personnel would be temporarily redeployed pursuant to the requested authority; and

''(II) the number of personnel who would be so redeployed from each such program.

''(v) Such other information and assurances as the Secretary may require.

''(C) CONSIDERATION.—In reviewing a request for temporary redeployment under paragraph (1) of personnel funded through a Federal program, the Secretary shall consider the degree to which the program would be adversely affected by the redeployment.

''(D) TERMINATION AND EXTENSION.—

''(i) TERMINATION.—A State or tribe's authority for a temporary redeployment of personnel under paragraph (1) shall terminate upon the earlier of the following:

''(I) The Secretary's determination that the public health emergency no longer exists.

''(II) Subject to clause (ii), the expiration of the 30-day period following the date on which the Secretary approved the State or tribe's request for such authority.

''(ii) EXTENSION AUTHORITY.—The Secretary may extend the authority to authorize a temporary redeployment of personnel under paragraph (1) beyond the date otherwise applicable under clause (i)(II) if the public health emergency still exists as of such date, but only if—

''(I) the State or tribe that submitted the initial request for authority for a temporary redeployment of personnel submits a request for an extension of such authority; and

''(II) the request for an extension contains the same type of information and assurances necessary for the approval of an initial request for such authority.

''(3) NOTICE TO PERSONNEL OF POSSIBILITY OF REDEPLOYMENT.—The Secretary shall ensure that, if a State or tribe receives Federal funds for personnel who are subject to the Secretary's redeployment authority under this subsection, the State or tribe gives notice to such personnel of the possibility of redeployment—

''(A) at the time of hiring; or

''(B) in the case of personnel hired before the date of the enactment of this subsection, as soon as practicable.

''(4) NOTICE TO CONGRESS.—The Secretary shall give notice to the Congress in conjunction with the approval under this subsection of—

''(A) any initial request for authority for a temporary redeployment of personnel; and

''(B) any request for an extension of such authority.

''(5) GUIDANCE.—The Secretary shall—

''(A) not later than 6 months after the enactment of this subsection, issue proposed guidance on the temporary redeployment of personnel under this subsection; and

''(B) after providing notice and a 60-day period for public comment, finalize such guidance.

''(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of the Congress a report, on the Secretary's authority under this subsection, including—

''(A) a description of how, and under what circumstances, such authority has been used by States and tribes;

''(B) an analysis of how such authority has assisted States and tribes in responding to public health emergencies;

''(C) an evaluation of how such authority has improved operational efficiencies in responding to public health emergencies;

''(D) an analysis of the extent to which, if any, Federal programs from which personnel have been temporarily redeployed pursuant to such authority have been adversely affected by the redeployment; and

''(E) recommendations on how such authority could be improved to further assist in responding to public health emergencies.

''(7) DEFINITION.—In this subsection, the term 'State' includes, in addition to the entities listed in the definition of such term in section 2, the Freely Associated States.

''(8) SUNSET.—The authority under this subsection shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.''.

SEC. 202. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) COOPERATIVE AGREEMENTS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(1)(C), by striking ''consortium of entities described in subparagraph (A)'' and inserting ''consortium of States'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking clauses (i) and (ii) and inserting the following:

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

''(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);'';

(ii) in clause (iv), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

''(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (designated under section 658D of the Child Care and Development Block Grant Act of 1990);

''(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally occurring or due to

bioterrorism, consistent with the requirements of this section; and

''(ix) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;''; and

(B) in subparagraph (C), by inserting '', including addressing the needs of at-risk individuals,'' after ''capabilities of such entity'';

(3) in subsection (f)—

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

(B) in paragraph (3), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (4);

(4) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and''; and

(B) in paragraph (2)(A), by adding at the end the following: ''The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).'';

(5) by striking subsection (h);

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''$824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h),'' and inserting ''$641,900,000 for fiscal year 2013''; and

(II) by striking ''such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$641,900,000 for each of fiscal years 2014 through 2017'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(iv) in subparagraph (C), as so redesignated, by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(B) in subparagraphs (C) and (D) of paragraph (3), by striking ''(1)(A)(i)(I)'' each place it appears and inserting ''(1)(A)'';

(C) in paragraph (4)(B), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(D) by adding at the end the following:

''(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).''; and

(7) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d–1(e)) is amended by striking ''such sums for each of fiscal years 2007 through 2011'' and inserting ''$30,800,000 for each of fiscal years 2013 through 2017''.

SEC. 203. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking ''$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011'' and inserting ''$5,000,000 for each of fiscal years 2013 through 2017''.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15) is amended—

(A) in subsection (d)(2), by adding at the end the following: ''Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.''; and

(B) in subsection (i), by striking ''$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$11,200,000 for each of fiscal years 2013 through 2017''.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a), by inserting '', including capacity and preparedness to address the needs of pediatric and other at-risk populations'' before the period at the end;

(2) in subsection (b)(1)(A)(ii), by striking ''centers, primary'' and inserting ''centers, community health centers, primary'';

(3) by striking subsection (c) and inserting the following:

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.'';

(4) by striking subsection (g) and inserting the following:

''(g) COORDINATION.—

''(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

''(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).'';

(5) in subsection (i)—

(A) by striking ''The requirements of'' and inserting the following:

''(1) IN GENERAL.—The requirements of''; and

(B) by adding at the end the following:

''(2) MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802.''; and

(6) in subsection (j)—

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

''(1) IN GENERAL.—For purposes of carrying out this section, there is authorized to be appropriated $374,700,000 for each of fiscal years 2013 through 2017.''; and

(B) by adding at the end the following:

''(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).''.

SEC. 204. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting ''poison control centers,'' after ''hospitals,'';

(B) in paragraph (2), by inserting before the period at the end the following: '', allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort''; and

(C) in paragraph (3), by inserting before the period at the end the following: ''and update such standards as necessary'';

(2) by striking subsection (c); and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''PUBLIC HEALTH SITUATIONAL AWARENESS'' and inserting ''MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE'';

(B) in paragraph (1)—

(i) by striking ''Pandemic and All-Hazards Preparedness Act'' and inserting ''Pandemic and All-Hazards Preparedness Reauthorization Act of 2012''; and

(ii) by inserting '', novel emerging threats,'' after ''disease outbreaks'';

(C) by striking paragraph (2) and inserting the following:

''(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall submit to the appropriate committees of Congress a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

''(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3);

''(B) modernize and enhance biosurveillance activities; and

''(C) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services.'';

(D) in paragraph (3)(D), by inserting ''community health centers, health centers'' after ''poison control,'';

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process;''; and

(F) by adding at the end the following:

''(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section and consistent with section 319M, the National Biodefense Science Board

shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time, all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

''(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

''(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

''(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.'';

(4) in subsection (e)(5), by striking ''4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act'' and inserting ''3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012'';

(5) in subsection (g), by striking ''such sums as may be necessary in each of fiscal years 2007 through 2011'' and inserting ''$138,300,000 for each of fiscal years 2013 through 2017''; and

(6) by adding at the end the following:

''(h) DEFINITION.—For purposes of this section the term 'biosurveillance' means the process of gathering near real-time biological data that relates to human and zoonotic disease activity and threats to human or animal health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.''.

SEC. 205. ELIMINATING DUPLICATIVE PROJECT BIOSHIELD REPORTS.

Section 5 of the Project Bioshield Act of 2004 (42 U.S.C. 247d–6c) is repealed.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking ''size of clinical trials intended'' and all that follows through ''. The sponsor or applicant'' and inserting the following: ''size—

''(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

''(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

''(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies. The sponsor or applicant''.

SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''sections 505, 510(k), and 515 of this Act'' and inserting ''any provision of this Act'';

(B) in paragraph (2)(A), by striking ''under a provision of law referred to in such paragraph'' and inserting ''under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act''; and

(C) in paragraph (3), by striking ''a provision of law referred to in such paragraph'' and inserting ''a section of this Act or the Public Health Service Act referred to in paragraph (2)(A)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EMERGENCY'' and inserting ''EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may declare an emergency'' and inserting ''may make a declaration that the circumstances exist'';

(ii) in subparagraph (A), by striking ''specified'';

(iii) in subparagraph (B)—

(I) by striking ''specified''; and

(II) by striking ''; or'' and inserting a semicolon;

(iv) by amending subparagraph (C) to read as follows:

''(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or''; and

(v) by adding at the end the following:

''(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by amending clause (ii) to read as follows:

''(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking ''advance notice of termination, and renewal under this subsection.'' and inserting '', and advance notice of termination under this subsection.''; and

(E) by adding at the end the following:

''(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product or an unapproved use of an approved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product or use, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''the Assistant Secretary for Preparedness and Response,'' after ''consultation with'';

(ii) by striking ''Health and'' and inserting ''Health, and''; and

(iii) by striking ''circumstances of the emergency involved'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (1), by striking ''specified'' and inserting ''referred to''; and

(C) in paragraph (2)(B), by inserting '', taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable'' after ''risks of the product'';

(4) in subsection (d)(3), by inserting '', to the extent practicable given the circumstances of the emergency,'' after ''including'';

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (1)(B), by amending clause (iii) to read as follows:

''(iii) Appropriate conditions with respect to collection and analysis of information concerning the safety and effectiveness of the product with respect to the use of such product during the period when the authorization is in effect and a reasonable time following such period.'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''manufacturer of the product'' and inserting ''person'';

(II) by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)''; and

(III) by inserting at the end before the period ''or in paragraph (1)(B)'';

(ii) in subparagraph (B)(i), by inserting before the period at the end '', except as provided in section 564A with respect to authorized changes to the product expiration date''; and

(iii) by amending subparagraph (C) to read as follows:

''(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when distributed or administered for the approved use.''; and

(D) by amending paragraph (3) to read as follows:

''(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

''(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

''(B) requirements established under section 503(b); and

''(C) requirements established under section 520(e).'';

(6) in subsection (g)—

(A) in the subsection heading, by inserting ''REVIEW AND'' before ''REVOCATION'';

(B) in paragraph (1), by inserting after the period at the end the following: ''As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

''(A) an unapproved product for which an authorization was issued under this section; or

''(B) an unapproved use of an approved product for which an authorization was issued under this section.''; and

(C) by amending paragraph (2) to read as follows:

''(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

''(A) the circumstances described under subsection (b)(1) no longer exist;

''(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

''(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.'';

(7) in subsection (h)(1), by adding after the period at the end the following: ''The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.'';

(8) by adding at the end of subsection (j) the following:

''(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Secretary of any application or submission pending before the Food and Drug Administration for a product for which an authorization under this section is issued.''; and

(9) by adding at the end the following:

''(m) CATEGORIZATION OF LABORATORY TESTS ASSOCIATED WITH DEVICES SUBJECT TO AUTHORIZATION.—

''(1) IN GENERAL.—In issuing an authorization under this section with respect to a device, the Secretary may, subject to the provisions of this section, determine that a laboratory examination or procedure associated with such device shall be deemed, for purposes of section 353 of the Public Health Service Act, to be in a particular category of examinations and procedures (including the category described by subsection (d)(3) of such section) if, based on the totality of scientific evidence available to the Secretary—

''(A) such categorization would be beneficial to protecting the public health; and

''(B) the known and potential benefits of such categorization under the circumstances of the authorization outweigh the known and potential risks of the categorization.

''(2) CONDITIONS OF DETERMINATION.—The Secretary may establish appropriate conditions on the performance of the examination or procedure pursuant to such determination.

''(3) EFFECTIVE PERIOD.—A determination under this subsection shall be effective for purposes of section 353 of the Public Health Service Act notwithstanding any other provision of that section during the effective period of the relevant declaration under subsection (b).''.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

''SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PRODUCT.—The term 'eligible product' means a product that—

''(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

''(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents; or

''(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

''(C) is intended for use during the circumstances under which—

''(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

''(2) PRODUCT.—The term 'product' means a drug, device, or biological product.

''(b) EXPIRATION DATING.—

''(1) IN GENERAL.—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

''(A) the expiration date extension is intended to support the United States ability to protect—

''(i) the public health; or

''(ii) military preparedness and effectiveness; and

''(B) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

''(2) REQUIREMENTS AND CONDITIONS.—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

''(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

''(B) the duration of the extension; and

''(C) any other requirements or conditions as the Secretary may deem appropriate for the protection of the public health, which may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

''(3) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under paragraph (1), extended the expiration date and authorized the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer.

''(4) EXPIRATION DATE.—For purposes of this subsection, the term 'expiration date' means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

''(c) CURRENT GOOD MANUFACTURING PRACTICE.—

''(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

''(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

''(d) EMERGENCY DISPENSING.—The requirements of sections 503(b) and 520(e) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

''(1) the product is dispensed during the circumstances described in subsection (a)(1)(C); and

''(2) such dispensing without an individual prescription occurs—

''(A) as permitted under the law of the State in which the product is dispensed; or

''(B) in accordance with an order issued by the Secretary, for the purposes and duration of the circumstances described in subsection (a)(1)(C).

''(e) EMERGENCY USE INSTRUCTIONS.—

''(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.

''(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

''(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

''(B) by a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.''.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

''(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

''(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.''.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

"SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

''It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

''(1) is intended to be held and not used; and

''(2) is held and not used, unless and until that product—

''(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

''(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

''(C) is authorized for use under section 564.''.

SEC. 303. DEFINITIONS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking ''The Secretary, in consultation'' and inserting the following:

''(a) DEFINITIONS.—In this section—

''(1) the term 'countermeasure' means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

''(2) the term 'qualified countermeasure' has the meaning given such term in section 319F–1 of the Public Health Service Act;

''(3) the term 'security countermeasure' has the meaning given such term in section 319F–2 of such Act; and

''(4) the term 'qualified pandemic or epidemic product' means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—

''(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological, or nuclear threats, including pandemic influenza; or

''(B) is included under this paragraph pursuant to a determination by the Secretary.

''(b) GENERAL DUTIES.—The Secretary, in consultation''.

SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—

(1) in the section heading, by striking ''**TECHNICAL ASSISTANCE**'' and inserting ''**COUNTERMEASURE DEVELOPMENT, REVIEW, AND TECHNICAL ASSISTANCE**'';

(2) in subsection (b), by striking the subsection enumerator and all that follows through ''shall establish'' and inserting the following:

''(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

''(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, 319L, and 2811 of the Public Health Service Act;

''(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

''(3) promote countermeasure expertise within the Food and Drug Administration by—

''(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F–2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

''(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

''(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

''(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

''(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—

''(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings; and

''(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

''(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

''(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

''(5) establish''; and

(3) by adding at the end the following:

''(c) FINAL GUIDANCE ON DEVELOPMENT OF ANIMAL MODELS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall provide final guidance to industry regarding the development of animal models to support approval, clearance, or licensure of countermeasures referred to in subsection (a) when human efficacy studies are not ethical or feasible.

''(2) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the deadline for providing final guidance under paragraph (1) by not more than 6 months upon submission by the Secretary of a report on the status of such guidance to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(d) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

''(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

''(A) a meeting to discuss proposed animal model development activities; and

''(B) a meeting prior to initiating pivotal animal studies.

''(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

''(e) REVIEW AND APPROVAL OF COUNTERMEASURES.—

''(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

''(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).''.

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 304, is further amended by adding at the end the following:

''(f) REGULATORY MANAGEMENT PLAN.—

''(1) DEFINITION.—In this subsection, the term 'eligible countermeasure' means—

''(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F–2(c) of the Public Health Service Act; or

''(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

''(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

''(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

''(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of a written request to the Secretary. Such request shall include a proposed regulatory management plan.

''(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

''(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines

that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

''(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

''(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

''(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

''(C) an agreement on how the plan shall be modified, if needed.

''(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

''(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

''(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

''(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

''(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

''(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure and plans for conducting the necessary scientific research;

''(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance and the population for which desired labeling would not be appropriate, if known; and

''(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

''(6) PRIORITIZATION.—

''(A) PLANS FOR SECURITY COUNTERMEASURES.—The Secretary shall establish regulatory management plans for all security countermeasures for which a request is submitted under paragraph (3)(A).

''(B) PLANS FOR OTHER ELIGIBLE COUNTERMEASURES.—The Secretary shall determine whether resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures. If resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures, and if resources are not available to establish regulatory management plans for all eligible countermeasures for which requests have been submitted, the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner, shall prioritize which eligible countermeasures may receive regulatory management plans.''.

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 305, is further amended by adding at the end the following:

''(g) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall make publicly available on the Web site of the Food and Drug Administration a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

''(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

''(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

''(B) the identification of scientific gaps that impede the development, approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

''(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (f), the extent to which the performance targets and goals set forth in subsection (f)(4)(B) and the regulatory management plan have been met, including, for each such countermeasure—

''(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

''(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

''(C) explanations for any failure to meet such performance targets and goals;

''(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

''(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including—

''(A) Center-specific objectives and accomplishments; and

''(B) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures;

''(5) the number of countermeasure applications and submissions submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications and submissions, and the number of each type of authorization issued pursuant to section 564;

''(6) the number of written requests for a regulatory management plan submitted under subsection (f)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures; and

''(7) the number, type, and frequency of meetings between the Food and Drug Administration and—

''(A) sponsors of a countermeasure as defined in subsection (a); or

''(B) another agency engaged in development or management of portfolios for such countermeasures, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense.''.

SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

''(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.''; and

(2) in subsection (n)(1), by adding at the end the following:

''(C) For a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.''.

(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

''(A) shall consider—

''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.''; and

(2) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.

(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.''.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSHIELD.

(a) PROCUREMENT OF COUNTERMEASURES.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking ''eight years'' and inserting ''10 years'';

(2) in paragraph (2)(C), by striking ''the designated congressional committees (as defined in paragraph (10))'' and inserting ''the appropriate committees of Congress'';

(3) in paragraph (5)(B)(ii), by striking ''eight years'' and inserting ''10 years'';

(4) in subparagraph (C) of paragraph (6)—

(A) in the subparagraph heading, by striking ''DESIGNATED CONGRESSIONAL COMMITTEES'' and inserting ''APPROPRIATE CONGRESSIONAL COMMITTEES''; and

(B) by striking ''the designated congressional committees'' and inserting ''the appropriate congressional committees''; and

(5) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting ''including advanced research and development,'' after ''as may reasonably be required,'';

(B) in clause (ii)—

(i) in subclause (III), by striking ''eight years'' and inserting ''10 years''; and

(ii) by striking subclause (IX) and inserting the following:

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—

''(aa) may specify—

''(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

''(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

''(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

''(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).''; and

(C) by adding at the end the following:

''(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.''.

(b) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (c)—

(A) by striking ''special reserve fund under paragraph (10)'' each place it appears and inserting ''special reserve fund as defined in subsection (h)''; and

(B) by striking paragraphs (9) and (10); and

(2) by adding at the end the following:

''(g) SPECIAL RESERVE FUND.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated to the special reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), $2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

''(2) USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.—The Secretary may utilize not more than 50 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out such section.

''(3) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund shall not be used to pay costs other than payments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7).

''(4) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

''(A) in meeting the security countermeasure needs identified under this section; and

''(B) on the annual Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).

''(h) DEFINITIONS.—In this section:

''(1) The term 'advanced research and development' has the meaning given such term in section 319L(a).

''(2) The term 'special reserve fund' means the 'Biodefense Countermeasures' appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to subsection (g)(1).''.

SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting ''(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)'' after ''development''; and

(2) in subparagraph (D)(iii), by striking ''and vaccine manufacturing technologies'' and inserting ''vaccine-manufacturing technologies, dose-sparing technologies, efficacy-increasing technologies, and platform technologies''.

(b) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

''(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.''.

(c) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amended to read as follows:

''(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2013 through 2017, such amounts to remain available until expended.''.

(d) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking ''7 years'' and inserting ''11 years''.

(e) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking ''6-year'' and inserting ''11-year''.

(f) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

''(f) INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Comptroller General of the United States shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

''(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

''(B) the activities supported by flexible manufacturing initiatives; and

''(C) the ability of flexible manufacturing activities carried out under this section to—

''(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

''(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological, and nuclear agents.''.

(g) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F–1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''to—'' and inserting ''—'';

(B) in clause (i)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in clause (ii)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

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

(D) by adding at the end the following:

''(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).''.

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking ''; or'' and inserting ''; '';

(B) in clause (ii), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and''.

(3) TECHNICAL AMENDMENTS.—Section 319F–3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)) is amended—

(A) in paragraph (1)(C), by inserting '', 564A, or 564B'' after ''564''; and

(B) in paragraph (7)(B)(iii), by inserting '', 564A, or 564B'' after ''564''.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''consistent with section 2811'' before ''by the Secretary to be appropriate''; and

(ii) by inserting before the period at the end of the second sentence the following: ''and shall submit such review annually to the appropriate congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security''; and

(B) in paragraph (2)(D), by inserting before the semicolon at the end the following: ''and that the potential depletion of countermeasures currently in the stockpile is identified and appropriately addressed, including through necessary replenishment''; and

(2) in subsection (f)(1), by striking ''$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (c)(10)(A).'' and inserting ''$533,800,000 for each of fiscal years 2013 through 2017. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (h).''.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

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

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(iii) one such member shall be an individual with pediatric subject matter expertise; and

''(iv) one such member shall be a State, tribal, territorial, or local public health official.''; and

(B) by adding at the end the following flush sentence:

''Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).''; and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 6672.

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

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

Although it has been more than 10 years since September 11 and the anthrax attacks that followed, the threat of bioterrorism remains a very real danger to the American people. Fortunately, we have spent the last decade preparing for chemical, biological, radiological, and nuclear threats by developing and stockpiling numerous medical countermeasures to protect Americans in the event of such an attack. As a result of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save thousands of lives if we are attacked. However, the work to protect Americans against bioterrorism is not finished; and we must pass this bill, or the future of America's public health preparedness infrastructure will be in jeopardy.

The Pandemic and All-Hazards Preparedness Authorization Act, known as PAHPRA, is a fiscally responsible bill that represents common ground between the bipartisan House and Senate-passed preparedness bills. I would like to take the opportunity to thank the bipartisan cosponsors, including Chairman UPTON and Ranking Member WAXMAN, as well as our great bipartisan partners in the Senate for their support in what has been a very productive process to ensure the health, preparedness of our States and hospitals for the next flu outbreak or pandemic.

The bill will reauthorize critically important biodefense programs designed to promote the continued development of medical countermeasures against threats and would strengthen the Nation's public health preparedness infrastructure. Reauthorizing these programs is essential to how the Nation would respond to a chemical, biological, radiological, or nuclear attack. PAHPRA will reauthorize critically important programs for 5 years at the fiscal year 2012 appropriated level. The bill would not create a new program nor increase the authorization for appropriations for the existing program.

H.R. 6672 would reauthorize and improve certain provisions of Project Bioshield and PAHPRA. Its passage, I think, is important for the future of our national security here at home.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act, which will reauthorize certain provisions of the Project Bioshield Act of 2004 and Pandemic and All-Hazards Preparedness Act of 2006. This legislation was passed by Congress to help the U.S. develop countermeasures against chemical, biological, radiological, and nuclear terrorism agents and to provide a mechanism for Federal acquisition of these newly developed countermeasures.

Our Nation remains vulnerable to these threats because many of these vaccines and medicines that are needed to protect our citizens do not exist. Developing and stockpiling these medical countermeasures require time, resources, and research—all of which will be provided under the legislation before us today. I'm pleased that the language I supported during the committee process was included, aimed at increasing emphasis on regionalized trauma care systems.

This bill is also very important to me because the University of Texas Medical Branch's Galveston National Laboratory is in my backyard. The Galveston National Lab is the only BSL–4 lab located on a university campus. At the lab, scientists conduct research to develop therapies, vaccines, and diagnostic tests for naturally-occurring emerging diseases such as SARS and avian influenza, as well as for microbes that might be employed by terrorists. This is exactly the type of research we hope to encourage under the Pandemic and All-Hazards Preparedness Reauthorization Act.

As an original cosponsor of the bill with Mr. ROGERS, I'm very pleased how quickly we moved this rare bipartisan piece of legislation. I want to thank Mr. ROGERS, Chairman UPTON, Ranking Member WAXMAN, Ranking Member PALLONE, Mrs. MYRICK, Ms. ESHOO, and Mr. MARKEY for their work on H.R. 6672. I strongly urge my colleagues to vote ''yes'' on this legislation.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I yield 2 minutes to the distinguished chairman and a great leader of this Congress, the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I particularly want to thank Mr. ROGERS, who has helped shepherd this bill through our committee. I appreciate the very hard work of Chairman PITTS, Ranking Members WAXMAN and PALLONE, along with all the members of our committee to get this bill done and to the floor this afternoon.

Madam Speaker, this bill, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, would reauthorize programs designed to encourage the development of medical countermeasures and improve the Nation's health infrastructure to help us respond to a terrorist attack. This bill is very similar to H.R. 2405, the Pandemic and All-Hazards Preparedness Act of 2011, which passed the House last year. This bill, H.R. 6672, reflects common ground reached between the House and Senate through months and months of bipartisan negotiations. I'm hopeful that the Congress, House and Senate, will enact the bill this week so that we can ensure that our Nation is prepared for the unthinkable.

This bill reauthorizes the special reserve fund, the Biodefense Advanced Research and Development Authority, and public health preparedness programs, while eliminating duplicative reports. It also clarifies that the Assistant Secretary for Preparedness and Response is the leader of the Federal Government's efforts on preparedness

and response. This clarification will help in removing duplication, improving coordination, and providing accountability.

The bill also takes important steps to foster medical countermeasure development by ensuring that the FDA's regulations of medical countermeasures are predictable, consistent, and, in fact, transparent. Finally, the bill would provide additional flexibility for emergency distribution, stockpiling, and use of medical countermeasures so the Nation is prepared for whatever may happen.

I would urge all of my colleagues to support the bill. Again, I commend Republicans and Democrats for working together on a bill that really does need to get to the President's desk.

□ 1250

Mr. PALLONE. Madam Speaker, I'd like to yield such time as she may consume to the gentlewoman from California (Ms. ESHOO) and stress her involvement in this issue over the years.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Ms. ESHOO. I thank the gentleman.

Madam Speaker, it's good to see you in the chair. We're all going to miss you a great, great deal.

I rise today in support of the Pandemic and All-Hazards Preparedness Act's reauthorization, legislation I first introduced in 2006 with Congressman MIKE ROGERS to better help our country prepare for a chemical, biological, radiological, or nuclear attack.

Developing and stockpiling appropriate countermeasures is essential for public safety, and these programs encourage American companies to invest in areas of high critical need.

The bill before us today includes new provisions that highlight the important needs of our Nation's children. Children are not just little adults; they need special care and special medical attention. They're especially vulnerable to biological or chemical agents because of their size, their limited capacity to flush out toxins, their underdeveloped motor skills, and their total reliance on their parents or other caregivers.

While the hope is that we will never need to use these countermeasures to combat an attack on our country, I'm proud that we've strengthened these programs for everyone in our country, especially the children.

I'm pleased to see the Pandemic and All-Hazards Preparedness Act voted on today. I thank everyone that's been involved in this on a bipartisan basis in the spirit in which it was first introduced when we introduced it in 2006, and I look forward to seeing it signed into law by the President of the United States.

Mr. ROGERS of Michigan. Madam Speaker, I just want to say thank you and congratulate my friend, ANNA ESHOO, for the work that she's done on this bill in such a bipartisan way. I think we would not have advanced to this degree without her great help and assistance.

With that, I would yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

I also want to start by thanking our chairman, Chairman UPTON, Mr. WAXMAN, the ranking member, Mr. ROGERS, as well as our staff, Clay Alspach with the majority staff, for all their help in assuring that this bill, H.R. 6672, came to the floor.

In an emergency we need all hands on deck. In the aftermath of an attack, natural disaster, or pandemic, we need to be assured that there is an adequate supply of countermeasures to meet our Nation's needs. This program has also proven itself effective and deserves to be reauthorized and strengthened, as this bill does.

Our Nation will never reach the surge capacity it needs without utilizing all personnel in our health care workforce. The committee has worked with me to ensure maximum capacity by correcting an oversight in the original law and now clarifies that dentists and dental facilities have the opportunity to be included in the first responder framework by incorporating earlier legislation, H.R. 570.

Dentists are willing and trained to support the medical and public health response to a disaster, and this legislation allows States the option of incorporating dentists into their disaster response framework.

In addition, the legislation expands on a long-held priority for me by strengthening our Nation's commitment to trauma care and its continued necessity in the aftermath of a disaster.

We're fortunate to have the bill on the floor today to ensure that our national disaster response framework has the maximum available resources. I urge the Senate to take up this legislation.

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

I'm pleased to rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This bill reflects bipartisan work that has taken place between the House and Senate over the last several months to resolve differences between the House and Senate-passed PAHPA reauthorization bills.

We all know very well that our Nation continues to face threats that require an ongoing commitment to public health and emergency preparedness. Just recently we experienced a devastating storm along the east coast—Hurricane Sandy—that destroyed entire communities in coastal New Jersey and New York, including areas within my district. The Federal Government's support, including through programs authorized by PAHPA, was critical in the wake of this disaster.

The legislation before us today reauthorizes programs and activities first established as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the 2004 Project Bioshield Act, and the 2006 Pandemic and All-Hazards Preparedness.

In the wake of 9/11, Congress placed a high priority on biodefense. Congress first passed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 to improve the Nation's ability to respond to acts of biological terrorism.

In 2004, we passed the Project Bioshield Act with tremendous bipartisan support, and Democrats and Republicans worked together to authorize the development, procurement, and emergency use of medical countermeasures for biological, chemical, radiological, and nuclear threats.

We then identified some shortfalls, and in 2006 worked to amend and build upon the existing BioShield program and Department of Health and Human Services authorities by passing PAHPA. For example, PAHPA charged the Assistant Secretary for Preparedness and Response with the Department's public health and medical response. It required, a National Health Security Strategy to guide the Department's preparedness and response efforts, reauthorize grants to improve State and local public health and hospital preparedness, and establish the Biomedical Advance Research and Development Authority to spur development of medical countermeasures.

Together, BioShield and PAHPA represent more comprehensive efforts to prepare for and respond to public health emergencies, whether they're naturally occurring events like the H1N1 outbreak, or those that are deliberate, such as anthrax attacks. As a result of these bills and the investments that followed, our Nation is better equipped to respond to public health emergencies.

I'd just like to take a few moments, Madam Speaker, to highlight ways that H.R. 6672 will continue the progress we've made over the past decade.

First, the bill further facilitates the development of medical countermeasures through emphasizing medical countermeasures advancement in the National Health Security Strategy; requiring the development of a 5-year budget analysis of the countermeasure enterprise; and calling for the development of a countermeasure strategy and implementation plan.

Second, Madam Speaker, H.R. 6672 bolsters the Nation's medical and public health preparedness and response infrastructure, including through a new authority that would allow States to redeploy personnel funded through Federal programs to the areas within their State where they're most needed in the aftermath of a disaster.

Third, it strengthens and clarifies the position of Assistant Secretary for

Preparedness and Response as the lead for HHS on emergency preparedness and response and calls for streamlining and better coordinating HHS preparedness grants with those of other departments.

Next, it places even greater emphasis on the special needs of pediatric and other at-risk populations in preparing for and responding to public health emergencies.

Finally, H.R. 6672 improves FDA's emergency response capabilities. It will enable FDA to authorize the distribution and use of medical countermeasures in preparation for an emergency and to take actions during an emergency that will allow for the most effective use of medical countermeasures.

I'd like to thank Congressman MIKE ROGERS, Congressman GENE GREEN, and their staff who authored the original House legislation, H.R. 2405. I'd like to recognize the contributions of Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, Congresswoman ESHOO, and Congressman MARKEY, and their staff in strengthening the legislation as it moved through the committee process and in discussions with the Senate. They have all worked in a bipartisan fashion over the past 1½ years to accomplish the goals of our Members and should be commended for their work.

I also urge Members to join me in supporting passage of H.R. 6672. I'm hopeful that our Senate colleagues will similarly support this bill's passage so we can get the bill to the President's desk.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, at this time we have no further speakers, and I would continue to reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I'd like to submit letters of support from the following organizations into the RECORD: the Alliance for Biosecurity, the American Academy of Pediatrics, the Biotechnology Industry Organization, or BIO, the Roundtable on Critical Care Policy, and a joint letter from four public health organizations. Those are the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, and the Trust for America's Health.

I yield back the balance of my time.

ALLIANCE FOR BIOSECURITY, OFFICE OF THE SECRETARY AND LEGAL COUNSEL,
Washington, DC, December 17, 2012.

Hon. MIKE ROGERS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE ROGERS: On behalf of the Alliance for Biosecurity, I write in strong support of the Pandemic All-Hazards Preparedness Reauthorization Act of 2012 (H.R. 6672). The Alliance for Biosecurity is a collaboration of pharmaceutical and biotechnology companies working to develop medical countermeasures (MCMs) to prevent and treat diseases associated with bioterrorism and emerging infectious diseases. It is essential to our nation's safety that this bill is passed by the House and Senate before the end of the 112th Congress.

As you know, the chemical, biological, radiological, and nuclear (CBRN) threat is real and growing. It is critical that the country continue ongoing efforts to develop, procure, and stockpile MCMs to both deter an attack and protect our citizens should a bioterrorism event occur. The Congressionally-established Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism 2008 report predicted that ''it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013.'' There is a limited commercial market for MCMs; consequently, without adequate advanced development and stockpiling funding, companies have neither the incentive nor the ability to invest in these life-saving therapies.

Reauthorization of PAHPA and Project BioShield is critical to ensuring the sustainability of the MCM enterprise. We applaud the tireless work of you and your colleagues on this important issue and urge that this measure is brought up for consideration in the House and Senate without delay to ensure that our nation remains prepared to face such threats.

Respectfully submitted on behalf of the Alliance for Biosecurity.

MAUREEN DONAHUE HARDWICK,
Secretariat and Legal Counsel.

AMERICAN ACADEMY OF PEDIATRICS,
December 18, 2012.

Hon. MIKE ROGERS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ROGERS: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write to express our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.

Representing twenty-five percent of the U.S. population, children are not little adults. Their developing minds and bodies place them at disproportionate risk during a disaster situation. Children are particularly vulnerable to aerosolized biological or chemical agents because they breathe more times per minute than adults and they are more vulnerable to agents that act on or through the skin because their skin is thinner and they have a larger surface-to-mass ratio than adults. Children need different dosages of medicine than adults, not only because they are smaller, but also because certain drugs and biologics may have different or unanticipated effects on developing children. From needles and tubing, to oxygen masks and ventilators, to imaging and laboratory technology, children need medical equipment that has been specifically designed for their size and unique physiology.

Numerous expert bodies including the National Commission on Children and Disasters and the National Biodefense Science Board (NBSB) have found that, with respect to medical countermeasures (MCMs) for children, significant gaps remain in pediatric indications, dosages and formulations. H.R. 6672 includes several important provisions that will help advance the development of MCMs for children by maximizing existing pediatric drug testing laws, increasing pediatric expertise at federal agencies involved in MCM development and procurement, and prioritizing children within the existing Public Health Emergency Medical Countermeasures Enterprise. Additionally, the expansion of existing emergency use authorization authority will be critical to ensuring that countermeasures for children are stockpiled in advance of a disaster or emergency.

In particular, the Academy thanks you for including a provision that will require the Secretary of Health and Human Services to establish a National Advisory Committee on Children and Disasters. With the termination of the National Commission on Children and Disasters, which helped focus attention on gaps in disaster planning and delivered practical recommendations to the President and Congress, the National Advisory Committee on Children and Disasters will help ensure that important progress made at various federal agencies, state and local levels, and throughout the private sector continues. Importantly, the Advisory Committee will bring together federal and non-federal partners to provide guidance and recommendations on our nation's preparedness to meet the needs of children before, during and after all-hazards emergencies. It is our hope that the Advisory Committee will comprehensively assess progress toward fulfilling the recommendations of the National Commission on Children and Disasters. The Academy looks forward to working with you and the Department of Health and Human Services to establish the National Advisory Committee on Children and Disasters.

H.R. 6672 maintains the important role of the National Disaster Medical System (NDMS) while ensuring that the NDMS takes into account pediatric populations. It also ensures that the requirements for the Hospital Preparedness Program and the Public Health Emergency Preparedness Cooperative Agreement Program have specific pediatric performance measures. The AAP applauds the requirement in the legislation that the NBSB include an individual with pediatric subject matter expertise.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you on passage of H.R. 6672.

Sincerely,

THOMAS K. MCINERNY, MD, FAAP,
President.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
December 18, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the Biotechnology Industry Organization (BIO), I am writing with our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012, sponsored and championed by Chairman Mike Rogers (R–MI).

BIO represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States. BIO members are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Our members play a central role in ensuring the effective development of medical countermeasures (MCMs) to protect our nation's citizens against chemical, biological, radiological and nuclear threats, whether naturally occurring or man-made.

We strongly support the simultaneous reauthorization of Project BioShield and the Special Reserve Fund (SRF) with PAHPRA.

Because the government represents the sole marketplace for the vast majority of MCMs, the funding available through the SRF is vital for private companies, considering the high cost and significant time commitment associated with the development and manufacture of these products. We also support the bill's provisions clarifying the regulatory process at the U.S. Food and Drug Administration (FDA) for MCMs, as these provisions will help accelerate MCM development and approval, improving the nation's preparedness.

We thank you for moving the legislation forward in the House, and we look forward to working with you, Chairman Rogers, Congressman Gene Green, and the Senate to ensure that H.R. 6672 is ultimately enacted into law this year. Thank you.

Sincerely,

JAMES C. GREENWOOD,
President & CEO.

THE ROUNDTABLE
ON CRITICAL CARE POLICY,
Washington, DC, December 18, 2012.

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

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The Roundtable on Critical Care Policy strongly supports the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012 and urges the House of Representatives to swiftly pass this vital legislation that will improve America's public health, medical preparedness and response capabilities, and enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency.

In particular, our organization strongly supports the Roundtable-endorsed provisions included in the House and Senate negotiated version of PAHPRA that would prioritize critical care within the National Health Security Strategy (NHSS). More specifically, these provisions would, for the first time, add care for critically ill patients in our nation's intensive care units (ICU) to the federal government's medical preparedness and surge capacity goals, thereby ensuring that critical care is included in federal, state and local planning efforts to increase preparedness for public health emergencies. This reauthorization would require the inclusion of medical surge capacity in the periodic evaluation of the nation's preparedness capabilities, enabling an efficient and effective medical response during an emergency.

The Roundtable also commends the inclusion of language in the NHSS that requires coordinated medical triage and evacuation to appropriate medical institutions during a public health emergency, which supports the Roundtable's past calls for increased planning for patient evacuation in hospitals—including ICUs.

When our nation is faced with a health emergency, the critical care delivery system is an integral component of our nation's medical response. Yet, despite the fact that Americans depend on this delivery system to care for our most critically ill and injured—a system whose capacity is truly put to the test and often stretched to its limits in the event of a widespread health emergency—critical care medicine has not been given sufficient consideration in our disaster preparedness efforts, until now.

The Roundtable believes that the inclusion of these provisions in the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 will go a long way towards strengthening the nation's critical care infrastructure, and addressing the needs of the critically ill and injured in the event of a major public health crisis.

We applaud the U.S. House of Representatives under your leadership for working to improve our federal disaster preparedness efforts, and ensuring the prioritization of critical care within PAHPRA.

Sincerely,

STEPHANIE SILVERMAN,
President.

DECEMBER 18, 2012.

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

Hon. NANCY PELOSI,
House Minority Leader, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, dedicated to protecting the public health of our nation, we write to express our support for the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 (PAHPRA/H.R. 6672) before the House of Representatives this week. We thank you for your leadership on this legislation that is critical to the safety of our nation.

PAHPRA is vital to state and local health and other public health practitioners who are a critical part of any community's first response to disease outbreaks, emergencies, and acts of terrorism. The following provisions in particular are essential to keeping communities healthy and safe:

Temporary Redeployment of Federally Funded Personnel During a Public Health Emergency (Section 201): The provision allows states and tribes to request from the Department of Health and Human Services (HHS) the authority to temporarily reassign public health personnel from other HHS-funded grant programs to respond to a major emergency. The authority would allow state and local governments to meet the tremendous staffing needs required by a disaster.

Reauthorization of the Public Health and Emergency Preparedness Grants (PHEP) (Section 202): The PHEP cooperative agreement program provides funding to local and state public health departments to strengthen their capacity and capability to effectively respond to public health emergencies including terrorist threats, infectious disease outbreaks, natural disasters, and biological, chemical, nuclear, and radiological emergencies. State and local health departments work with federal government officials, law enforcement, emergency management, health care, business, education, and religious groups to plan, train, and prepare for emergencies so that when disaster strikes, communities are prepared.

Reauthorization of the Hospital Preparedness Program (HPP) (Section 203): HPP provides funding to state and local health departments to enhance hospital preparedness and improve overall surge capacity in the case of public health emergencies. The preparedness activities carried out under this program strengthen the capabilities of hospitals throughout the country to respond to floods, hurricanes, or wildfires, and also include training for a potential influenza pandemic or terrorist attack.

Carryover of Grant Use, Coordination (Section 202 and 203): The bill updates the preparedness grant programs at HHS giving grantees limited ability to carry over funds encouraging flexibility and efficiency. The provisions promote long-term planning currently impossible in an unpredictable fiscal environment.

Children's Preparedness (Sections 103, 307 and throughout): The bill establishes the National Advisory Committee on Children and Disasters to bring together federal and non-federal partners to provide guidance and recommendations on medical and public health preparedness for children before, during and after a disaster or public health emergency. The bill takes significant steps to consider the particular needs of pediatric populations in Medical Countermeasure (MCM) research and development. The bill also calls for consideration of the needs of children, as an at-risk population, in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, PHEP, HPP, and Medical Reserve Corps.

Enhancing Situational Awareness and Biosurveillance (Section 204): The bill calls for planning and integration of the current biosurveillance systems to strengthen the nation's bioterrorism and disease outbreak response capabilities. The bill also requires coordination with the National Biodefense Science Board. HHS is required to provide a report to Congress on their implementation plans and progress.

Individuals with Disabilities (Section 101): The bill calls for the consideration of the needs individuals with disabilities in the National Health Security Strategy.

Thank you again for your work to reauthorize this important legislation. We look forward to working with you and your staff to move this bill to the President's desk.

Sincerely,

GEORGES C. BENJAMIN, MD, FACP, FACEP, (E)
Executive Director, American Public Health Association.

PAUL E. JARRIS, MD, MBA,
Executive Director, Association of State and Territorial Health Officials.

ROBERT M. PESTRONK, MPH,
Executive Director, National Association of County and City Health Officials.

JEFF LEVI, PHD,
Executive Director, Trust For America's Health.

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Mr. ROGERS of Michigan. Madam Speaker, there are many things that keep me awake at night as the chairman of the House Permanent Select Committee on Intelligence. The growing threat from chemical, biological, radiological, and nuclear attacks not only abroad but here is of growing concern. Instability in governments that possess these materials, an increasing interest from those who would choose to do harm to the United States, desire to get their hands on these materials means that we must prepare ourselves here at home for the unfortunate, I think unlikely certainly in the short term, but possible position of being attacked with these disturbing weapons systems. This is that important step to protect Americans by increasing our stockpiles, and I would urge its passage.

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

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, and urge my colleagues to support this bill as well.

Madam Speaker, this legislation has been a long time coming. The House version of the

bill passed this body over one year ago; the Senate version was adopted in March of this year. Since that time we have been engaged in a lengthy, but extremely productive process with our Senate colleagues and their staff to come together to bridge the differences between the two bills. H.R. 6672 is the product of that effort. It is our hope that the Senate will pass the bill as soon as possible after the House acts on the legislation today, allowing the critical work authorized under the legislation to continue.

Toward that end, H.R. 6672 reauthorizes and makes minor—but important—improvements to various programs and activities first established in the 2004 Project Bioshield Act and the 2006 Pandemic and All-Hazards Preparedness Act, or as it is commonly referred to, ''PAHPA.'' These programs and activities are key in helping to ensure that our Nation is well prepared to successfully manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism.

H.R. 6672 includes dozens of changes to these underlying authorities. Let me highlight just three provisions that deserve special attention:

The bill targets the Food and Drug Administration, FDA, to ensure that it focuses on medical countermeasures—that is, products designed to combat chemical, biological, radioactive, and nuclear agents—of the highest importance. It requires FDA to work with industry on industry-submitted regulatory management plans for prioritized countermeasures to facilitate scientific exchanges between the FDA and countermeasure product sponsors to streamline our ability to make these products available. Just last Friday, FDA approved the first drug developed and procured under Project BioShield. Raxibacumab is approved for use together with antibiotics to treat anthrax in children and adults. The FDA provisions in H.R. 6672—together with the renewed emphasis in our countermeasure enterprise through other provisions in this legislation—will make it possible for even more drugs and devices to move from early development to procurement.

The legislation also makes improvements to the Nation's blueprint for public health preparedness and response activities that will enhance the ability of our diverse health care system to respond to mass casualty emergencies. Among such improvements are clarifying the role of the Assistant Secretary of Preparedness and Response as the lead office within the Department of Health and Human Services, HHS, for emergency preparedness and response. H.R. 6672 also establishes a new authority to permit the HHS Secretary to approve a request of a state, territory, or an Indian tribe to redeploy certain federally-supported employees during the time of a national emergency to geographic areas where such employees are needed most.

In addition, H.R. 6672 continues support for investments in State and local public health departments. Such investments are necessary to make certain that we have the requisite public health infrastructure in place to respond immediately and appropriately to any public health threat that may arise.

This legislation reflects the effort of a number of members—Democrats and Republicans alike. On our side of the aisle Congressman GREEN, Congresswoman ESHOO, Congressman MARKEY, and our Health Subcommittee Ranking Member—Congressman Pallone—have been deeply involved. I want to thank them and their staff for all the long and incredibly hard work they have put into this legislation and to the process of getting us here today.

I urge my colleagues to vote in favor of H.R. 6672.

Mr. PAULSEN. Madam Speaker, I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This legislation will bolster the nation's public health preparedness infrastructure and ensure the reauthorization of programs that provide key resources to states, health departments and hospitals.

I am particularly pleased that the final legislation contains key provisions that enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency. For the first time, the federal government will be required to prioritize the critical care system in its emergency and disaster planning efforts. Furthermore, the bill requires additional planning regarding evacuation of patients.

Last year, I introduced legislation with my colleague from Wisconsin, Congresswoman BALDWIN to ensure that the nation's critical care system is structured to provide the highest quality and most efficient health care. This legislation is designed to determine inefficiencies in the current system and bolster capabilities to meet future demands—including improving federal disaster preparedness efforts to care for the critically ill or injured.

A key aspect of this bill was to put in place measures to ensure there are sufficient numbers of critical care providers to respond in a medical crisis, develop best practices for the safe evacuation of ICU patients, and enhance the current databases that provide necessary resource information in the aftermath of a disaster. I'm happy to report that these important provisions are all reflected in today's bill.

Today's bill recognizes that critical care services play an important role in our medical response system and provides an opportunity to build more prepared and resilient communities that are able to respond and contain the impact of a public health emergency. I urge its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 6672.

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. ROGERS of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY REAUTHORIZATION ACT

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1440) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act'' or the ''PREEMIE Reauthorization Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY
Sec. 101. Research and activities at the Centers for Disease Control and Prevention.
Sec. 102. Activities at the Health Resources and Services Administration.
Sec. 103. Other activities.
TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK
Sec. 201. National Pediatric Research Network.
TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION
Sec. 301. Program of payments to children's hospitals that operate graduate medical education programs.

TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY

SEC. 101. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) EPIDEMIOLOGICAL STUDIES.—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended by striking subsection (b) and inserting the following:

''(b) STUDIES AND ACTIVITIES ON PRETERM BIRTH.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

''(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

''(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

''(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).''.

(b) REAUTHORIZATION.—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f(e)) is amended by striking ''2011'' and inserting ''2017''.

SEC. 102. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) TELEMEDICINE AND HIGH-RISK PREGNANCIES.—Section 330I(i)(1)(B) of the Public

Health Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by striking ''or case management services'' and inserting ''case management services, or prenatal care for high-risk pregnancies'';

(b) PUBLIC AND HEALTH CARE PROVIDER EDUCATION.—Section 399Q of the Public Health Service Act (42 U.S.C. 280g–5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

''(A) the core risk factors for preterm labor and delivery;

''(B) medically indicated deliveries before full term;

''(C) the importance of preconception and prenatal care, including—

''(i) smoking cessation;

''(ii) weight maintenance and good nutrition, including folic acid;

''(iii) the screening for and the treatment of infections; and

''(iv) stress management;

''(D) treatments and outcomes for premature infants, including late preterm infants;

''(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

''(F) utilization of evidence-based strategies to prevent birth injuries;''; and

(B) by striking paragraph (2) and inserting the following:

''(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant;''; and

(2) in subsection (c), by striking ''2011'' and inserting ''2017''.

SEC. 103. OTHER ACTIVITIES.

(a) INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b–4g).

(b) ADVISORY COMMITTEE ON INFANT MORTALITY.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may establish an advisory committee known as the ''Advisory Committee on Infant Mortality'' (referred to in this section as the ''Advisory Committee'').

(2) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) PLAN FOR HHS PRETERM BIRTH ACTIVITIES.—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an existing advisory committee designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) MEMBERSHIP.—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) PATIENT SAFETY STUDIES AND REPORT.—

(1) IN GENERAL.—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) REPORT TO SECRETARY AND CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and followup procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK

SEC. 201. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D of the Public Health Service Act (42 U.S.C. 284h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

''(d) NATIONAL PEDIATRIC RESEARCH NETWORK.—

''(1) NETWORK.—In carrying out the Initiative, the Director of NIH, in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of a National Pediatric Research Network consisting of the pediatric research consortia receiving awards under paragraph (2).

''(2) PEDIATRIC RESEARCH CONSORTIA.—

''(A) IN GENERAL.—The Director of NIH may award funding, including through grants, contracts, or other mechanisms, to public or private nonprofit entities—

''(i) for establishing or strengthening pediatric research consortia; and

''(ii) for providing support for such consortia, including with respect to—

''(I) basic, clinical, behavioral, or translational research to meet unmet pediatric research needs; and

''(II) training researchers in pediatric research techniques in order to address unmet pediatric research needs.

''(B) RESEARCH.—The Director of NIH may ensure that—

''(i) each consortium receiving an award under subparagraph (A) conducts or supports at least one category of research described in subparagraph (A)(ii)(I) and collectively such consortia conduct or support all such categories of research; and

''(ii) one or more such consortia provide training described in subparagraph (A)(ii)(II).

''(C) NUMBER OF CONSORTIA.—

''(i) IN GENERAL.—The Director of NIH may make awards under this paragraph for not more than 8 pediatric research consortia, with a minimum of one pediatric research consortium that prioritizes collaboration with institutions serving rural areas.

''(ii) EXCEPTION.—Notwithstanding clause (i), the Director of NIH may make awards under this paragraph for more than 8 pediatric research consortia based on a finding of need by the Director. Before making any award pursuant to the preceding sentence, the Director of NIH shall give written notice to the Congress of the Director's intent to make the award and shall include in the notice an explanation of the Director's finding of need.

''(D) ORGANIZATION OF CONSORTIUM.—Each consortium receiving an award under subparagraph (A) shall—

''(i) be formed from a collaboration of cooperating institutions;

''(ii) be coordinated by a lead institution;

''(iii) agree to disseminate scientific findings rapidly and efficiently; and

''(iv) meet such requirements as may be prescribed by the Director of NIH.

''(E) SUPPLEMENT, NOT SUPPLANT.—Any support received by a consortium under subparagraph (A) shall be used to supplement, and not supplant, other public or private support for activities authorized to be supported under this paragraph.

''(F) DURATION OF CONSORTIUM SUPPORT.—Support of a consortium under subparagraph (A) may be for a period of not to exceed 5 years. Such period may be extended at the discretion of the Director of NIH.

''(3) COORDINATION OF CONSORTIA ACTIVITIES.—The Director of NIH shall—

''(A) as appropriate, provide for the coordination of activities (including the exchange of information and regular communication) among the consortia established pursuant to paragraph (2); and

''(B) as appropriate, require the periodic preparation and submission to the Director of reports on the activities of each such consortium.

''(4) ASSISTANCE WITH REGISTRIES.—Each consortium receiving an award under paragraph (2)(A) shall provide assistance to the Centers for Disease Control and Prevention in the establishment or expansion of patient registries and other surveillance systems as appropriate and upon request by the Director of the Centers.

''(e) RESEARCH ON PEDIATRIC RARE DISEASES OR CONDITIONS.—In making awards under subsection (d)(2) for pediatric research consortia, the Director of NIH shall ensure that an appropriate number of such awards are awarded to such consortia that agree to—

''(1) focus primarily on pediatric rare diseases or conditions (including any such diseases or conditions that are genetic disorders or are related to birth defects); and

''(2) conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions.''.

TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION

SEC. 301. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking ''through 2005 and each of fiscal years 2007 through 2011'' and inserting ''through 2005, each of fiscal years 2007 through 2011, and each of fiscal years 2013 through 2017'';

(2) in subsection (f)(1)(A)(iv), by inserting ''and each of fiscal years 2013 through 2017'' after ''2011''; and

(3) in subsection (f)(2)(D), by inserting ''and each of fiscal years 2013 through 2017'' after ''2011''.

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service Act

(42 U.S.C. 256e(b)(3)(D)) is amended by striking ''Not later than the end of fiscal year 2011'' and inserting ''Not later than the end of fiscal year 2016''.

Amend the title so as to read: ''An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; to reduce infant mortality caused by prematurity; to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; and to reauthorize support for graduate medical education programs in children's hospitals.''.

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD on S. 1440.

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

There was no objection.

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

Mr. Speaker, S. 1440, the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization, or the ''PREEMIE'' Reauthorization Act, would take important steps to protect and improve children's health. The bill includes three important programs: the PREEMIE Reauthorization Act, the National Pediatric Research Network, and the Children's Hospitals Graduate Medical Education Reauthorization.

The PREEMIE Reauthorization Act addresses one of the leading causes of neonatal death and a major cause of childhood disabilities: preterm birth. Since its passage in 2006, the PREEMIE Act has sponsored important research that has led to improved prevention and care of children born too early. Reauthorization will mean the continuation of the program that will lead to even better outcomes for children.

The National Pediatric Research Network is a proven way to support pediatric research by coordinating multicentered research activities, including those in rural areas. By working in teams, innovative research improves especially for diseases that are rare or affect a small population of children. Most of the approximately 7,000 rare diseases are pediatric and often genetic, and doctors do not have sufficient therapies to treat them. This bill will help alleviate that problem.

The Children's Hospital Graduate Medical Education Reauthorization would enable the Department of Health and Human Services to provide funding to freestanding children's hospitals to support the training of pediatricians and other residents. Prior to the enactment of CHGME, the number of residents in children's hospitals had declined by 13 percent. Now the program has enabled children's hospitals to increase their training programs by 35 percent.

In my home State of Pennsylvania, three premier children's hospitals, Children's Hospital of Pittsburgh, St. Christopher's Hospital for Children, and Children's Hospital of Philadelphia receive CHGME funds that support and ensure world-renowned health care for children.

CHGME is a significant achievement in pediatric health care in Pennsylvania and across the country. Despite these gains, shortages still exist, and the future of the pediatric workforce relies on the continuation of CHGME.

I commend the leadership on both sides of the aisle and in the committee for their leadership on this. These programs enjoy bipartisan support, and I urge my colleagues to support S. 1440.

I reserve the balance of my time.

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

I am pleased to rise in support of S. 1440, as amended. The legislation before us extends two existing programs and creates one new initiative, all activities that impact children's health.

The first title of the legislation reauthorizes the Prematurity Research Expansion and Education for Mothers who deliver Infants Early, or PREEMIE, Act through fiscal year 2017. The PREEMIE Act was signed into law in 2006, and I was proud to be a cosponsor of the original House legislation.

S. 1440, as amended, calls for further studies on factors related to prematurity, improved data on the national burden of preterm birth, continued preterm birth prevention efforts, and strengthened public and health provider education on risk factors for preterm delivery and treatments and outcomes for preterm infants. The legislation also codifies an advisory committee to the Secretary of Health and Human Services on infant mortality and directs the Secretary to coordinate existing quality studies on hospital readmissions and preterm infants.

Since the enactment of the PREEMIE Act, we've seen the preterm birth rate decline to its present level of just under 12 percent, the lowest rate we've seen since the late nineties. The good news is there's been progress in better understanding the causes of premature births and promoting interventions that work. On the other hand, however, we still don't know the causes of premature birth in up to 40 percent of cases. And then there's the cost to the health care system of premature births—more than $26 billion each year—not to mention the increased risks of serious disability and death for newborns and the tremendous toll prematurity takes on their families. And that's precisely why the goals of the PREEMIE Act remain just as salient as they were 6 years ago.

The second title is similar to the House-passed National Pediatric Research Network Act of 2012 and allows the National Institutes of Health to establish a national pediatric research network comprised of up to eight pediatric research consortia, or groups of collaborating institutions. The consortia will conduct basic clinical, behavioral, and translational research on pediatric diseases and conditions.

Among the eight consortia, the NIH Director will ensure that an appropriate number of awards go to consortia that focus primarily on pediatric rare diseases, such as spinal muscular atrophy or birth defects such as Down syndrome. There are many rare pediatric diseases, and in some of these diseases, the children are incredibly fragile. If we can allow for research to occur across the country, not just one single location, research can be done at a larger level because children could then participate without having to travel.

Additionally, we all know too well that, traditionally, pediatric research has been underfunded. That can make it hard to train and develop the research talent needed to address these devastating illnesses. The consortia can therefore be the training grounds for future researchers, helping to fill the pediatric pipeline.

Finally, the third title, Madam Speaker, of the amendment to S. 1440 reauthorizes the Children's Hospitals Graduate Medical Education, or CHGME, program through fiscal year 2017. The legislation maintains the current authorization level and will support the work of 56 children's hospitals training over 5,000 pediatric residents in 30 States.

The CHGME program was first established in 1999, following declines in pediatric training programs that threatened the stability of the pediatric workforce.

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Like any parent knows, it's important to have a trusted health provider to turn to when your child is sick or hurt. In Congress, on a bipartisan basis, we recognize that if we didn't create and fund programs to train pediatricians, there wouldn't be anyone left to care for our kids.

Since its inception, the CHGME program has been a success story, supporting children's hospitals and their work to train future generations of our pediatric workforce, including pediatric subspecialists in very short supply. Representing only 1 percent of all hospitals, the small number of children's hospitals that participate in the program train approximately 40 percent of all pediatricians and nearly half of all pediatric specialists. That's why continuing this critical program will have a major impact on access to primary care and specialty care for kids.

Reauthorizing this program, Madam Speaker, was one of my top health priorities of the year, and I want to thank Chairman JOE PITTS, the chairman of

our Health Subcommittee, for working with me on this bill. Together with his help and leadership, we were able to move this bill through our committee and to the House floor last year. I'm hopeful that reauthorization of the CHGME program will finally make it to the President's desk as part of S. 1440.

I just want to take a moment to commend Chairman UPTON, Chairman PITTS, and Ranking Member WAXMAN for their leadership on this legislation. I have to recognize and thank the House sponsor of the PREEMIE Act and the National Pediatric Research Network Act, and those Energy and Commerce members: Congresswoman ESHOO, Congressman LANCE, Congresswoman CAPPS, and Congresswoman MCMORRIS RODGERS. They were really dedicated to these important issues.

Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, one of the leaders on this issue, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the chairman for yielding.

The gentleman from New Jersey just gave attributions to so many members, both Republicans and Democrats, from the Energy and Commerce Committee that worked so long and hard on this legislation back originally in 2006 and now in the reauthorization of S. 1440, the PREEMIE Act.

There are a lot of statistics that some people may not be aware of. One is the fact that about two-thirds of all infant deaths in the first year of life are among the preterm infants. In 2008, 12.3 percent of all live births, over 500,000 babies, were born preterm.

Madam Speaker, let me put it a little bit in context. Prematurity or preterm birth is by definition a birth earlier than 37 weeks. Those children are usually not the problem. They're not the ones that end up with permanent disabilities. But there is a subset of prematurity, maybe sometimes referred to as ''immaturity,'' children that are born as early as 20 weeks, all the way up to 37 weeks. Those children are the ones that very often, if they survive, are left with permanent long-term disabilities. We see a lot of folks on the Hill coming down the halls of our office buildings, and sometimes they're in wheelchairs, sometimes they're visually impaired, sometimes they're hearing impaired, but so many of those adults and children that we see on Capitol Hill were born prematurely. So a piece of legislation like this is hugely important.

I'll end my remarks by just making it a little personal. My wife, Billie, and I, Madam Speaker, have 13 grandchildren, and the oldest will be 15 years old in about 3 weeks. And they were born at 26 weeks—they each weighed 1 pound and 12 ounces. Thank God they are virtually unimpaired today and in the eighth grade and doing well. It tugs at your heartstrings. This is something that is hugely important.

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

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. The graduate medical education piece is very important because these children's hospitals, they see so many of these young kids. In fact, 50 percent or more of their patient population are Medicaid, and they need this funding for continuing medical education for pediatric residents.

I will just conclude with that and say how proud I am to be supportive of such a great piece of legislation.

Mr. PALLONE. Madam Speaker, I would like to now yield such time as she may consume to the sponsor of the House PREEMIE Act, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman.

Madam Speaker, I'm very proud to rise in support of the PREEMIE Act legislation that I introduced with Congressman LEONARD LANCE. He's been a terrific partner not only on this legislation but on other pieces of legislation that we've moved through the Energy and Commerce Committee, and I salute him.

This bill will expand research, education, and prevention of preterm birth. As the mother of two children, I know how precious the earliest part of life is, and it's our responsibility to do everything we can to make sure that our little ones begin their lives with more than a fighting chance.

Each year, as was stated, half a million babies are born prematurely in our country, and preterm birth is the leading cause of newborn mortality and the second-leading cause of infant mortality. Babies born even a few weeks too early can require weeks to months of hospitalization after birth, and premature birth can sometimes lead to developmental delays and disability later in life.

In addition to the emotional and physical toll of prematurity, there are significant health care costs to families, to our medical systems, and our economy. A 2006 report by the Institute of Medicine found the cost associated with preterm birth in the United States was $26.2 billion annually, or $51,600 per infant born preterm. These are staggering amounts of dollars. While employers, private insurers, and individuals bear about half of the cost of health care for these infants, 40 percent is paid for by Medicaid. So it's in the best interest of healthy babies, hopeful families, and the budget of our country to decrease preterm births.

The good news is our investment in preventing prematurity is paying off. In 2006, I introduced and Congress passed the first ever comprehensive PREEMIE Act, and prematurity rates have declined since then. This is very good news. The better news is that today we're reauthorizing this law, which will build upon the momentum of the original law and provide us with new tools and knowledge to improve the lives and health of America's mothers and children.

The PREEMIE Act has been packaged with other important pediatric health bills. I thank the chairman of the subcommittee, Mr. PITTS, the chairman of our full committee, Mr. UPTON, the ranking member of the full committee, as well as Mr. PALLONE, and all of our colleagues.

You know very well, Madam Speaker, that we come to this place to do good things for our country that will strengthen our Nation. How proud I am that we are living up to that in presenting this bill here today.

In closing, I would also like to thank Erin Katzelnick-Wise of my staff, who has worked on this bill as if it were the most important thing she could do in her life, understanding that it is one of the most important things she could do in her life for children in our country; to the American Academy of Pediatricians, who have been so magnificent in instructing all of us in our work on this legislation; and a particular shout-out to Dr. Phil Pizzo, the dean of the Stanford School of Medicine, a pediatrician himself who at one time worked with great distinction at the National Institutes of Health.

□ 1320

Mr. PITTS. Madam Speaker, I yield 2½ minutes to the chairman of the full committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I, too, want to commend the Republicans and Democrats, who worked very, very hard to get this legislation to the floor and, hopefully, to the President's desk as soon as possible. I particularly commend Chairman PITTS and Ranking Member PALLONE, LEONARD LANCE, ANNA ESHOO, LOIS CAPPS, and the staffs, really, on both sides. I made a commitment to all of these Members early on that we would work very diligently to get this legislation here, and we are finally here.

Madam Speaker, this bill, S. 1440, known as the PREEMIE Reauthorization Act, is designed to strengthen health care for kids, particularly for vulnerable kids. Not only does the bill reauthorize the PREEMIE Act, but it also includes the reauthorization of the Children's Hospital Graduate Medical Education program, and it authorizes the National Pediatric Research Network.

The original PREEMIE Act that I sponsored brought attention to the problems related to preterm birth, and since its passage, the preterm birth rate has declined. Good news. Yet, despite that improvement, according to the CDC, still a half a million babies are born prematurely every year in this country. That's one out of eight. We can and we must do better. This reauthorization will continue to strengthen the ongoing effort to track,

prevent, and treat prematurity, ensuring that every child has a healthy start and a better chance at a healthy and a productive future.

Madam Speaker, the National Pediatric Research Network brings us a step closer in providing more help to children with unmet health needs, particularly to those with rare pediatric and genetic diseases. I've met a number of times with a family in my district, the Kennedys, whose wonderful little daughters—Brielle and Brooke, who are affectionately known in our office as ''Sleeping Beauty'' and ''Cinderella''—have a rare disease called spinal muscular atrophy. It's often difficult to conduct research into these diseases due to the very small number of kids with that disease, but today, we are working to provide families like the Kennedys and so many others with greater hope for a cure or an advancement in the treatment.

This bill will help establish pediatric research networks and the consortia that are effective in overcoming gaps in research. Networks and consortia will be comprised of leading institutions that will act as partners to consolidate and coordinate those research efforts.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. UPTON. With the passage of the Children's Hospital Graduate Medical Education in 1999, freestanding children's hospitals began receiving funds to support their pediatric medical residency programs. As a result, the number of pediatricians in the U.S. has grown steadily. Today, over 40 percent of the pediatricians and pediatric specialists are trained in the 57 freestanding children's hospitals that receive this funding. A proven track record. We need to get it done.

Again, I congratulate the Members on the floor today for getting this bill, hopefully, to the President's desk before the year is out.

Mr. PALLONE. I yield such time as she may consume to the Democratic sponsor of the House National Pediatric Research Network Act of 2012, which is the second title of the legislation before us, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I do want to acknowledge the gentlelady in the chair as my partner in the Capps-Emerson lectures and as my neighbor and a real friend.

Madam Speaker, I rise in strong support of the PREEMIE Reauthorization Act. This is an important bill to improve the health outcomes of pregnant women and their babies, and it shows our Nation's commitment to addressing the costly and emotionally troubling incidence of preterm birth. While this is enough reason for me to support this legislation, I would like to highlight two additional sections of the bill that will improve the health and well-being not only of newborns but of our children as they grow.

First, it includes the reauthorization of the Children's Hospital Graduate Medical Education program. This is a critical investment in both the health of our kids and in the health of our economy by bringing new, talented individuals into the health care workforce.

From my years as a school nurse, I know the difficulty that children experience, especially those with special health care needs, when they look for a pediatric specialist. Over the years, we have seen how CHGME programs have made a measurable impact in alleviating that burden, allowing these children and their families to focus on healing. I am proud to be an original cosponsor of this legislation and will continue to champion it in the House.

While we must ensure that the providers are available for our kids, we are still far behind on too many important diagnostics, cures, and treatments for many of our ailing children. That is why this bill also includes the National Pediatric Research Network Act, which is a bill that I coauthored with my colleague, Representative CATHY MCMORRIS RODGERS.

This legislation will help strengthen and coordinate our Nation's research on pediatric diseases. It will disseminate research findings quickly so that all children may benefit, especially those who have rare diseases; and it will expand the geographic scope of research, giving sick kids easier access to research programs and to clinical trials. Moreover, this bill places an added emphasis on researching children's rare diseases, like spinal muscular atrophy, as my colleague Mr. UPTON has noted, and on developing new treatments to fight them.

The low prevalence of these diseases makes them particularly hard to research, and yet these diseases have such a marked impact on the lives of far too many families and communities, like the Strong family of Santa Barbara. My constituents Bill and Victoria Strong have worked tirelessly on behalf of their daughter, Gwendolyn, and all children with spinal muscular atrophy and other rare diseases. The work they've done to help raise the profile of pediatric rare disease research is going to help families all across the Nation. I thank them.

I also thank the leadership of the Energy and Commerce Committee—Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE—for their dedication to this bill. I thank the staff, especially Ruth Katz, for working across the aisle and across the Capitol to bring a strong bill now to the floor.

I urge my colleagues to support this bipartisan bill. I urge its swift passage in the Senate so that we can improve the health and well-being of all infants and all children.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a leader on this issue.

Mr. LANCE. It is wonderful to see you in the chair, and I congratulate you on your magnificent service to the people of Missouri and the Nation.

I rise in strong support of S. 1440, to reauthorize the 2006 PREEMIE Act and to provide important continued research, education, and intervention in the national effort to reduce preterm births.

Madam Speaker, our Nation's premature birth rate is one of the highest in the world, and it is the leading cause of newborn death in the United States. Infants born just a few weeks too soon can face serious health challenges and are at risk for lifelong health and learning disabilities. In addition to its human toll, premature birth costs our economy billions of dollars per year; and while the medical community has made great strides in identifying the risk factors associated with premature births, far too many premature births today have no known causes.

That is why the Members of the House and Senate have worked in a bipartisan and bicameral fashion to reauthorize the 2006 PREEMIE Act so that we may continue to spur innovative solutions that will ultimately lead not just to healthier babies but to lower annual health care costs.

I thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE for their steadfast leadership on this issue as well as to thank Senators LAMAR ALEXANDER and MICHAEL BENNET. Once again, I commend Congresswoman ANNA ESHOO of California for working on an important issue to the health and well-being of the American people.

While many complain about the partisan nature of Congress, we have worked in a cooperative fashion on this and other issues, as has the entire Energy and Commerce Committee. It is in that bipartisan spirit that I ask all of my colleagues to join with us in the support of the PREEMIE Reauthorization Act so that we as a Nation will be able to continue our focus on premature birth research and prevention.

Mr. PALLONE. I have no additional speakers, Madam Speaker, so I would simply ask that we support this legislation and pass it on a bipartisan basis.

I yield back the balance of my time.

□ 1330

Mr. PITTS. Madam Speaker, I have no further speakers. I urge support for this bipartisan legislation.

I yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise in support of S. 1440, as amended, and urge my colleagues to support the bill as well.

As amended, S. 1440 is comprised of the authorization or re-authorization of three different programs, all related to children's health. Together, these provisions constitute a bipartisan effort to help ensure that our kids—and their health care needs—are appropriately and adequately addressed.

Title One of the bill would reauthorize and improve the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early—or PREEMIE—Act. Established in

2006, the PREEMIE Act expands federal research related to preterm labor and delivery, and the care and treatment, and outcomes of preterm and low birth weight infants. It also supports education programs for health professionals and the public on prematurity. Title One is designed to enhance these activities and represents a renewed commitment to our nation's efforts to reduce premature birth, the leading killer of newborns.

Title Two of S. 1440 would allow the National Institutes of Health to establish a national pediatric research network dedicated to finding treatments and cures for pediatric diseases and conditions—especially those that are rare. In addition to the research itself, Title Two places special emphasis on professional training for future pediatric researchers. These and other related components of Title Two are intended to build on the strong body of pediatric research that NIH already conducts and supports. I would encourage NIH to take full advantage of this opportunity.

Finally, Title Three of the bill would reauthorize the children's hospital graduate medical education—or CHGME—program. This program provides ongoing and consistent financial support to hospitals such as Children's Hospital of Los Angeles for the training of doctors who want to specialize in pediatrics. Over the years, the CHGME program has been enormously successful in reversing the significant decline in the number of pediatrician trainees across the country. Indeed, today, children's hospitals nationwide that are supported by the program train 40% of all pediatricians and 43% of all pediatric specialists.

As I have noted, this package of programs is a bi-partisan initiative that reflects the work of several members of the Energy and Commerce Committee. I especially want to note Congresswoman ESHOO, the Democratic sponsor of the original PREEMIE Reauthorization Act; Congresswoman CAPPS, the Democratic sponsor of the original National Pediatric Research Network Act; and Congressman PALLONE, the Democratic sponsor of the original Children's Hospital GME Support Reauthorization Act. All of them and all of us—on both sides of the aisle—have much to be proud of in supporting S. 1440, as amended.

I urge my colleagues to vote for S. 1440, as amended.

Mrs. MCMORRIS RODGERS. Madam Speaker, as a mother, I am reminded on a daily basis of the importance of the health of our Nation's children.

For that reason, I am proud to support the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Act. This important legislation authorizes research to prevent preterm births and it requires the Secretary of HHS to coordinate our Nation's efforts to achieve this goal.

This legislation also amends the Public Health Service Act to extend and reauthorize appropriations for Children's Hospital Graduate Medical Education. This is the source of training of most of our Nation's pediatricians.

The PREEMIE act also includes legislation introduced by Representative CAPPS and myself, the National Pediatric Research Network Act which will build upon our Nation's commitment to pediatric medical research. That commitment has led to the prevention and treatment of terrible conditions such as polio, meningitis, childhood leukemia, and congenital heart disease.

Research networks have a proven track record in their ability to ensure collaboration and sharing of resources which, in turn, have led to medical discoveries that have improved lives. This legislation will authorize NIH to establish up to 8 pediatric research networks throughout the nation. Each network will be selected by NIH through a competitive review process. These networks will allow multiple institutions to work together in a "hub and spoke" fashion in order to encourage collaboration and resource sharing.

These pediatric networks will improve health outcomes for children who have conditions such as spinal muscular atrophy, Down syndrome, and Fragile X. This will be accomplished by encouraging teamwork among researchers, patients, and NIH.

Today, I am proud to vote for measures to improve the health of our Nation's children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, S. 1440, as amended.

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

A motion to reconsider was laid on the table.

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

Mr. BRADY of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1845

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 "Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012".

TITLE I—MEDICARE IVIG ACCESS

SEC. 101. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a demonstration project under part B of title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the in-home administration of intravenous immune globin for the treatment of primary immune deficiency diseases.

(b) DURATION AND SCOPE.—

(1) DURATION.—Beginning not later than one year after the date of enactment of this Act, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) SCOPE.—The Secretary shall enroll not more than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) COVERAGE.—Except as otherwise provided in this section, items and services for which payment may be made under the demonstration program shall be treated and covered under part B of title XVIII of the Social Security Act in the same manner as similar items and services covered under such part.

(d) PAYMENT.—The Secretary shall establish a per visit payment amount for items and services needed for the in-home administration of intravenous immune globin based on the national per visit low-utilization payment amount under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out the demonstration project.

(f) STUDY AND REPORT TO CONGRESS.—

(1) INTERIM EVALUATION AND REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains an interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globin.

(2) FINAL EVALUATION AND REPORT.—Not later than one year after the date of completion of the demonstration project, the Secretary shall submit to Congress a report that contains the following:

(A) A final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globin.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(C) An update to the report entitled "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)", issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(g) FUNDING.—There shall be made available to the Secretary to carry out the demonstration project not more than $45,000,000 from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(h) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means the demonstration project conducted under this section.

(2) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means an individual who is enrolled for benefits under part B of title XVIII of the Social Security Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—STRENGTHENING MEDICARE SECONDARY PAYER RULES

SEC. 201. DETERMINATION OF REIMBURSEMENT AMOUNT THROUGH CMS WEBSITE TO IMPROVE PROGRAM EFFICIENCY.

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

"(vii) USE OF WEBSITE TO DETERMINE FINAL CONDITIONAL REIMBURSEMENT AMOUNT.—

"(I) NOTICE TO SECRETARY OF EXPECTED DATE OF A SETTLEMENT, JUDGMENT, ETC.—In

the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected and the expected date of such payment.

''(II) SECRETARIAL PROVIDING ACCESS TO CLAIMS INFORMATION THROUGH A WEBSITE.—The Secretary shall maintain and make available to individuals to whom items and services are furnished under this title (and to authorized family or other representatives recognized under regulations and to an applicable plan which has obtained the consent of the individual) access to information on the claims for such items and services (including payment amounts for such claims), including those claims that relate to a potential settlement, judgment, award, or other payment . Such access shall be provided to an individual, representative, or plan through a website that requires a password to gain access to the information. The Secretary shall update the information on claims and payments on such website in as timely a manner as possible but not later than 15 days after the date that payment is made. Information related to claims and payments subject to the notice under subclause (I) shall be maintained and made available consistent with the following:

''(aa) The information shall be as complete as possible and shall include provider or supplier name, diagnosis codes (if any), dates of service, and conditional payment amounts.

''(bb) The information accurately identifies those claims and payments that are related to a potential settlement, judgment, award, or other payment to which the provisions of this subsection apply.

''(cc) The website provides a method for the receipt of secure electronic communications with the individual, representative, or plan involved.

''(dd) The website provides that information is transmitted from the website in a form that includes an official time and date that the information is transmitted.

''(ee) The website shall permit the individual, representative, or plan to download a statement of reimbursement amounts (in this clause referred to as a 'statement of reimbursement amount') on payments for claims under this title relating to a potential settlement, judgment, award, or other payment.

''(III) USE OF TIMELY WEB DOWNLOAD AS BASIS FOR FINAL CONDITIONAL AMOUNT.—If an individual (or other claimant or applicable plan with the consent of the individual) obtains a statement of reimbursement amount from the website during the protected period as defined in subclause (V) and the related settlement, judgment, award or other payment is made during such period, then the last statement of reimbursement amount that is downloaded during such period and within 3 business days before the date of the settlement, judgment, award, or other payment shall constitute the final conditional amount subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment.

''(IV) RESOLUTION OF DISCREPANCIES.—If the individual (or authorized representative) believes there is a discrepancy with the statement of reimbursement amount, the Secretary shall provide a timely process to resolve the discrepancy. Under such process the individual (or representative) must provide documentation explaining the discrepancy and a proposal to resolve such discrepancy. Within 11 business days after the date of receipt of such documentation, the Secretary shall determine whether there is a reasonable basis to include or remove claims on the statement of reimbursement. If the Secretary does not make such determination within the 11 business-day period, then the proposal to resolve the discrepancy shall be accepted. If the Secretary determines within such period that there is not a reasonable basis to include or remove claims on the statement of reimbursement, the proposal shall be rejected. If the Secretary determines within such period that there is a reasonable basis to conclude there is a discrepancy, the Secretary must respond in a timely manner by agreeing to the proposal to resolve the discrepancy or by providing documentation showing with good cause why the Secretary is not agreeing to such proposal and establishing an alternate discrepancy resolution. In no case shall the process under this subclause be treated as an appeals process or as establishing a right of appeal for a statement of reimbursement amount and there shall be no administrative or judicial review of the Secretary's determinations under this subclause.

''(V) PROTECTED PERIOD.—In subclause (III), the term 'protected period' means, with respect to a settlement, judgment, award or other payment relating to an injury or incident, the portion (if any) of the period beginning on the date of notice under subclause (I) with respect to such settlement, judgment, award, or other payment that is after the end of a Secretarial response period beginning on the date of such notice to the Secretary. Such Secretarial response period shall be a period of 65 days, except that such period may be extended by the Secretary for a period of an additional 30 days if the Secretary determines that additional time is required to address claims for which payment has been made. Such Secretarial response period shall be extended and shall not include any days for any part of which the Secretary determines (in accordance with regulations) that there was a failure in the claims and payment posting system and the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

''(VI) EFFECTIVE DATE.—The Secretary shall promulgate final regulations to carry out this clause not later than 9 months after the date of the enactment of this clause.

''(VII) WEBSITE INCLUDING SUCCESSOR TECHNOLOGY.—In this clause, the term 'website' includes any successor technology.

''(viii) RIGHT OF APPEAL FOR SECONDARY PAYER DETERMINATIONS RELATING TO LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service for which the Secretary is seeking to recover conditional payments from an applicable plan (as defined in paragraph (8)(F)) that is a primary plan under subsection (A)(ii), under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such plan, may appeal such determination. The individual furnished such an item or service shall be notified of the plan's intent to appeal such determination''.

SEC. 202. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking ''A primary plan'' and inserting ''Subject to paragraph (9), a primary plan''; and

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

''(9) EXCEPTION.—

''(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan arising from liability insurance (including self-insurance) and from alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Secretary under subparagraph (B) for the year involved.

''(B) ANNUAL COMPUTATION OF THRESHOLD.—

''(i) IN GENERAL.—Not later than November 15 before each year, the Secretary shall calculate and publish a single threshold amount for settlements, judgments, awards, or other payments for obligations arising from liability insurance (including self-insurance) and for alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) subject to this section for that year. The annual single threshold amount for a year shall be set such that the estimated average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section shall equal the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section for the year. At the time of calculating, but before publishing, the single threshold amount for a year, the Secretary shall inform, and seek review of, the Comptroller General of the United States with regard to such amount.

''(ii) PUBLICATION.—The Secretary shall include, as part of such publication for a year—

''(I) the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents; and

''(II) a summary of the methodology and data used by the Secretary in computing such threshold amount and such cost of collection.

''(C) EXCLUSION OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) that includes ongoing responsibility for medical payments (excluding settlements, judgments, awards, or other payments made by a workers' compensation law or plan or no fault insurance), the amount utilized for calculation of the threshold described in subparagraph (A) shall include only the cumulative value of the medical payments made under this title.

''(D) REPORT TO CONGRESS.—Not later than November 15 before each year, the Secretary shall submit to the Congress a report on the single threshold amount for settlements, judgments, awards, or other payments for conditional payment obligations arising from liability insurance (including self-insurance) and alleged incidents described in subparagraph (A) for that year and on the establishment and application of similar thresholds for such payments for conditional payment obligations arising from worker

compensation cases and from no fault insurance cases subject to this section for the year. For each such report, the Secretary shall—

''(i) calculate the threshold amount by using the methodology applicable to certain liability claims described in subparagraph (B); and

''(ii) include a summary of the methodology and data used in calculating each threshold amount and the amount of estimated savings under this title achieved by the Secretary implementing each such threshold.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2014.

SEC. 203. REPORTING REQUIREMENT.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking ''shall be subject'' and all that follows through the end of the sentence and inserting the following: ''may be subject to a civil money penalty of up to $1,000 for each day of noncompliance with respect to each claimant.''; and

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

''(I) REGULATIONS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will and will not be imposed under subparagraph (E), including not imposing sanctions for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will and will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.''.

SEC. 204. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following:

''Not later than 18 months after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers, except that the deadline for such modification shall be extended by one or more periods (specified by the Secretary) of up to 1 year each if the Secretary notifies the committees of jurisdiction of the House of Representatives and of the Senate that the prior deadline for such modification, without such extension, threatens patient privacy or the integrity of the secondary payer program under this subsection. Any such deadline extension notice shall include information on the progress being made in implementing such modification and the anticipated implementation date for such modification.''.

SEC. 205. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)(iii)) is amended by adding at the end the following new sentence: ''An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BRADY) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

I, too, want to add my thanks and appreciation to my classmate on her years of dedication and stellar service to the United States of America on behalf of your wonderful State. Thank you.

Some of you may remember David, the little boy in the bubble. He was a constituent from Shenandoah, Texas, who passed away at the age of 12 after living many years of his life in a sterile environment at the Texas Children's Hospital in Houston, Texas. His mom, Carol Ann Demeret, is a champion for David and for other patients who were born with immunodeficiency disease. Carol Ann is a friend and a constituent, and has worked so hard to help those patients impacted with that disease. For years now, Carol Ann and I and many others have been fighting to change the law that could help patients like David.

Intravenous immune globulin, or IVIG therapy, is a vital step for treating patients with certain life-threatening diseases. These are patients for whom virtually every trip outside is potentially deadly. For the 250,000 Americans with primary immunodeficiency disease, there is no place more dangerous than going to a hospital for treatment. This is why home IVIG treatment actually prevents people being exposed to common illnesses that may make you and I miserable for a day or two, but could be deadly for patients with suppressed immune systems.

Regular access to IVIG therapy means a better quality of life, less disability, and potentially the difference between life and death. Unfortunately, today current law excludes from Medicare coverage the items and services necessary to administer IVIG therapy in the home, where doctors tell us patients with compromised immune systems can benefit the most.

The Medicare IVIG Access Act requires the Centers for Medicare and Medicaid Services to do a couple of things. It establishes a 3-year demonstration project to cover these items and services necessary to do this therapy in the home. It evaluates the impact of the demonstration project on access for these Medicare beneficiaries, analyzes the appropriateness of implementing a new methodology for IVIG payment in all care settings under Medicare part B, and updates a previous report on this by the Assistant Secretary for Planning and Evaluation.

It's my intent that the required study consider the impact of lag times with respect to data used to determine the average sales price and make recommendations to reduce the lag time to ensure more accurate pricing for IVIG, and to report whether home infusion saves the Medicare program tax dollars by improving access to all care settings.

The Medicare Payment Advisory Committee recently looked at home infusion, including the access problem for Medicare beneficiaries with PIDD.

The June MedPAC report reported that a targeted expansion of home infusion coverage focusing on certain drugs would have more likelihood of savings.

Drugs with a narrow indication and precise diagnostic criteria like IVIG for PIDD are less likely to have a woodwork effect than drugs with broad uses or imprecise diagnostic criteria. MedPAC's report also highlighted that fixing the part B home infusion therapy for beneficiaries with PIDD may save money because some of the other covered therapies for these patients are more expensive.

I expect, Madam Speaker, that the study required by this bill will give us more information about potential savings from giving people access to the right kind of care, reducing their exposure to germs in other settings, and increased compliance with prescribed therapy.

There may be a lot of division and partisanship in Washington right now, but not about this bill. I would like to thank my esteemed colleague, Representative DORIS MATSUI of California, for her leadership and tremendous hard work on this important bill. We have here today a solid, bipartisan bill, and both the House and Senate join together in support of Medicare IVIG access.

Madam Speaker, I will include in the RECORD an exchange of letters between the Ways and Means Committee and Energy and Commerce Committee related to this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 11, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing concerning H.R. 1845, the ''Medicare IVIG Access

Act.'' I wanted to notify you that the Committee on Energy and Commerce will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 18, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington,

DEAR CHAIRMAN UPTON, Thank you for your letter regarding H.R. 1845, the ''Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012,'' as amended, which is expected to be considered on the floor this week.

I appreciate your willingness to forgo action on H.R. 1845. I agree that your decision should not prejudice the Committee on Energy and Commerce with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

DAVE CAMP,
Chairman.

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

Madam Speaker, I rise in strong support of H.R. 1845. It's a combination of two strong, bipartisan commonsense bills before the House today. I want to thank the gentleman on the Ways and Means Committee, Mr. BRADY, for his support of this important legislation.

As one of the coauthors of the SMART Act, one of the bills that have been combined today, with Representative TIM MURPHY, and as an original cosponsor of the Medicare IVIG Access Act, I'm glad these two bipartisan bills have been combined and brought to the floor for consideration and hopefully passage later today.

The SMART Act had 139 bipartisan cosponsors; the Medicare IVIG Access Act, with 65 bipartisan cosponsors, are perfect examples of, at times, Democrats and Republicans joining forces and getting something done around this place. And hopefully that spirit will continue in the days to come with the difficult decisions that face this body.

I would like to thank my good friend TIM MURPHY for his leadership and hard work in moving the SMART Act through the Energy and Commerce Committee. I'd also like to recognize the extraordinary, broad stakeholder coalition that has worked so hard to help get the SMART Act on the floor today, particularly the American Association For Justice and the MARC Coalition.

Finally, I want to thank Representative BRADY and DORIS MATSUI for their tireless efforts on behalf of the Medicare IVIG Access Act. Their legislation is a step toward ensuring all seniors with primary immunodeficiency diseases are able to access life-saving IVIG drugs in their own home.

But let me just take a few minutes to discuss the need for the SMART Act. The SMART Act reforms the badly broken Medicare secondary payer system. For background, the Medicare secondary payer system requires Medicare to recoup the cost of hospital and doctor bills for a senior if her injuries are the responsibility of a private insurer or some other third party. So far so good. Making sure Medicare doesn't pay for injuries caused by another third party is good policy to help keep Medicare solvent.

The problem is that under the current system, seniors and parties that want to settle a claim often cannot determine how much they owe Medicare. That often results in the settlements collapsing. The result is that seniors are denied settlements to compensate for their injuries, and the Medicare trust fund is never reimbursed. That's bad for seniors, and it's bad for the Medicare program. We're talking about cases where seniors are trying to give money back to the government and the government simply won't say how much they owe it. It's outrageous that seniors can't even give money back to Medicare that the government is owed because the system is broken down.

At a time when Congress is considering cuts to the Medicare benefits and provider payments, we need to at least make sure that Medicare is getting the money seniors want to send it.

The SMART Act will improve the Medicare secondary payer system by making the government work more efficiently, reducing unnecessary burdens and waste, and speeding the repayment of amounts owed to the Medicare trust fund. The best way to demonstrate the need for the legislation is with a few examples of the current system's unfairness and outright absurdity.

□ 1340

I have a handful of demand letters here sent by CMS to seniors asking to be repaid $1.59, or $2.81, or $4.82, or even $36.75. Those amounts CMS has sought to recoup from seniors is far less than the amount it actually costs CMS to pursue these claims. That's penny wise and a pound foolish.

The SMART Act makes sure CMS is only pursuing Medicare secondary payment claims that will recoup at least the cost that it takes CMS to pursue these claims. That's commonsense reform.

This bill makes financial sense for Medicare, but it will also make a meaningful difference for seniors who are awaiting settlements that are held up by Medicare's process today.

In fact, I heard the story of one gentleman who fell on a retailer's handicapped ramp while using a walker. Now, Mr. Law cut his left hand; he hit his head on the fence alongside the ramp. He and the retailer discussed the medical charges, and they agreed to settle for $2,000.

It took 18 months and eight written exchanges with CMS to resolve this simple MSP claim, which delayed settlement of the claim by the same 18 months. Plus, Mr. Law actually passed away during the extended timeframe.

We can do better for seniors. We can get Medicare the money it's owed a lot faster. This legislation would accomplish that.

These are just a few of the examples of why the SMART Act is needed. The toll this broken system takes on seniors and the burden it imposes on businesses is unacceptable.

I urge my colleagues to vote for H.R. 1845 to support this commonsense reform, including the IVIG program.

And, Madam Speaker, since this may be the last time I'll have a chance to address you in the chair, I too want to echo the sentiments of so many of our colleagues, to congratulate you on such a distinguished career here in the House.

You did well in representing your constituents back home in Missouri. We'll miss you as a colleague, someone who tried hard to work on finding bipartisan, commonsense solutions to the challenges facing our Nation. And, of course, we wish you all the best in your future endeavors.

I reserve the balance of my time.

Mr. BRADY of Texas. At this time, I yield 2 minutes to the chairman of the Health Subcommittee, a longtime fighter for patients and those on Medicare, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my friend from Texas.

Madam Speaker, I rise today in strong support of H.R. 1845, as amended, the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012.

This legislation would create a 3-year demonstration project to provide up to 4,000 Medicare beneficiaries suffering from primary immunodeficiency diseases with in-home coverage of IVIG. Medicare beneficiaries with PIDD need the biologic IVIG to boost their immune system so they can fight off infection and maintain a high quality of life.

Medicare currently offers comprehensive coverage of IVIG treatments in the physician's office and hospital setting, but not when IVIG is administered in the home. This flawed payment policy encourages Medicare beneficiaries to receive care in the most costly settings.

Under this demonstration project, Medicare part B would cover the home administration costs, including the trained medical professional who administers the biologic, allowing up to 4,000 beneficiaries with PIDD to receive IVIG treatments in their home. Importantly, beneficiaries who receive IVIG

in their home can avoid the risk of infection inherent in alternative treatment settings.

The HHS Secretary would be required to issue a report to Congress detailing the impact this demonstration project had on beneficiary access to care, and whether or not CMS should permanently change its IVIG coverage policy. According to CBO, the costs of this one-time demonstration are fully offset by permanently reforming Medicare's secondary-payer rules as detailed in the SMART Act.

The SMART Act will help ensure that taxpayers will not be stuck with a Medicare bill for incidents caused when another party is liable or negligent. The SMART Act also makes important changes so that the arcane Medicare rules would no longer be an impediment for parties resolving their differences and reaching settlement.

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

Mr. BRADY of Texas. Madam Speaker, I yield another minute to the gentleman from California.

Mr. HERGER. Madam Speaker, we need to protect the Medicare trust funds, and we need to have an efficient, consistent, and clear process to resolve these claims; and the SMART Act does exactly that.

I urge my colleagues to join me in support of this important legislation.

Mr. KIND. Madam Speaker, I want to thank my good friend, the gentleman from California, for his support of H.R. 1845, in particular, the SMART Act, and congratulate him, as well, on his distinguished career since he will be retiring at the end of this session of Congress as well.

At this time I yield as much time as she may consume to the gentlewoman from California (Ms. MATSUI), the principal author of the Medicare IVIG Act.

Ms. MATSUI. I'd like to thank my colleague for yielding.

I also want to say, Madam Speaker, thank you for your many wonderful years of service and our friendship. We'll miss you in this Chamber, and we wish you well.

Madam Speaker, I rise in strong support of H.R. 1845, the Medicare IVIG Access Act. I'd like to thank Congressman BRADY for his hard work and his leadership on this legislation, as well as Congressman KIND for the leadership on the SMART Act provisions of this important legislation.

Primary Immunodeficiency Diseases or, as we call it, PIDDs, is a group of diseases that cause a person's immune system to be unable to function properly. Unlike most of us who are able to fight common infectious diseases, patients with untreated PIDD can become seriously ill from a simple cold virus or even a cut on their arm.

Patients with PIDD are generally treated with intravenous immunoglobulin, or IVIG, a complex drug that provides them a temporary immune system. Every 3–4 weeks, patients receive an IV treatment for about 2–4 hours per treatment. To maintain a healthy immune system, they must have this treatment for the rest of their lives.

People with commercial insurance typically receive care in any of three settings: hospital outpatient departments; a physician's office; or at home, administered by a nurse. For many patients, receiving their care at home is optimal, as it greatly reduces the risk of infection.

However, for Medicare beneficiaries with PIDD, the program pays for home infusion of IVIG but does not cover nursing services and supplies. As you can imagine, a 74-year-old Medicare recipient on a fixed income is not capable of paying the several hundred dollars a month necessary for the nurse to provide IVIG infusions in their homes. As a result, many patients are forced to receive their treatment in a hospital setting, oftentimes increasing the likelihood of infection, pneumonia, and an expensive stay in a hospital billed to Medicare.

Madam Speaker, this does not make sense for the patient or for Medicare, and that's why Congressman BRADY and I introduced the Medicare IVIG Access Act.

Madam Speaker, this legislation is budget-neutral and fully paid for. H.R. 1845 creates a 3-year demonstration project capped at 4,000 patients, in which the nursing services and supplies associated with home infusion of IVIG will be covered for Medicare beneficiaries with PIDD.

I believe that this project will mirror the results of studies of patients with commercial insurance that found increased compliance, fewer infections and overall savings for patients infused at home versus the hospital.

Madam Speaker, patients with rare genetic diseases should not see their access to care diminish when they become eligible for Medicare. H.R. 1845 fixes the gap in Medicare coverage that unfairly restricts patients' access to IVIG and disrupts their continuity of care.

I strongly encourage my colleagues to vote for this critically important legislation.

□ 1350

Mr. BRADY of Texas. Madam Speaker, I am pleased to yield 5 minutes to the lead author and champion of the SMART Act, one of our health care leaders, Mr. MURPHY of Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Madam Speaker, may I add my accolades to your work for the people of Missouri, particularly my ancestors who founded Murphy's Settlement, now Farmington, in your district. You've done them well.

Four years ago, Lorraine Babich of Washington County, Pennsylvania, then age 73, suffered injuries so severe from a car accident that she will never fully recover. After the accident, Lorraine underwent a very difficult surgery. She was transferred to a rehabilitation facility, where she contracted Methicillin-resistant Staphylococcus Aureus, otherwise known as MRSA. Sadly, Lorraine's condition has worsened. She now suffers from dementia and must receive 24/7 care at a nursing home. The physical pain in Lorraine's life is multiplied by the emotional pain of recent years. A year after the accident, Lorraine lost her husband; then, last year, her only child passed away.

Lorraine's story is heartbreaking and tragic, and it's depressing to learn Medicare is working against Lorraine's interests. In the fall of 2010, Lorraine's family and the automobile insurer for the other driver in the accident reached a monetary settlement. The insurer agreed to pay Lorraine's medical bills, and Lorraine would also collect damages. First, Lorraine's health insurer—Medicare—had to be repaid, but the Centers for Medicare and Medicaid Services won't tell Lorraine or the auto insurer how much is owed to the Medicare trust fund. The insurance company wants to reimburse Medicare and provide Lorraine with a settlement, but CMS's complicated bureaucracy is standing in the way.

There are thousands of cases just like Lorraine's in congressional districts across the country. But we now have a chance to fix this problem and make sure Lorraine and her family receive what they are rightfully owed by passing H.R. 1845, which includes a bipartisan bill I introduced with Congressman RON KIND.

Our bill, the Strengthening Medicare and Repaying Taxpayers Act, or the SMART Act, will recoup billions of dollars owed by insurance companies to the Medicare trust fund quickly and eliminate waste within CMS. The SMART Act, which has nearly 140 bipartisan cosponsors and the support of trial lawyers, patient advocates, defense attorneys, and the U.S. Chamber of Commerce, requires that Medicare provide settling parties with accurate information about the total costs of medical bills when the parties announce a settlement is near.

The Congressional Budget Office has looked at our bill and found it will save billions in Medicare. The current Medicare Secondary Payer bureaucracy is causing seniors to have their Social Security checks garnished and their Medicare coverage denied, through no fault of their own. Our bill fixes these issues and ensures bureaucracy does not stand in the way of a settlement.

Right now, insurers are walking away from settlements because of the flaws in the Medicare Secondary Payer statute. When those settlements break down, seniors get nothing and the taxpayers are not repaid. By enacting this legislation, Congress can help Lorraine and thousands of senior citizens who are needlessly suffering because Medicare isn't operating effectively and efficiently.

I want to thank Chairmen UPTON and CAMP, Ranking Members WAXMAN and

LEVIN, and Congressman KIND for their support on this legislation. I want to extend a special thanks to their respective staffs for their hard work, particularly Robert Horne and Brad Grantz. Without them, this legislation wouldn't be moving forward.

This is good government and saves taxpayers' money. I urge its adoption.

Mr. KIND. I yield such time as he may consume to my very good friend, the gentleman from New Jersey, one of the leaders in the Energy and Commerce Committee, Mr. PALLONE.

Mr. PALLONE. I want to thank the gentleman from Wisconsin.

Madam Speaker, I rise to lend my support to H.R. 1845, as amended. This bill combines two pieces of legislation: H.R. 1845, which provides a demonstration for the coverage of home infusion of intravenous immune globulin, or IVIG, and H.R. 1063, which makes improvements to the Medicare Secondary Payer process, or MSP. However, I would like to note my concerns about the process.

Our committee acted on H.R. 1063, and I commend the chairman for his efforts to ensure it was a bipartisan product, but we did not act on the IVIG legislation, which is every bit as important to our Members as the MSP. So it's my hope that in the future we can avoid situations like this.

The Medicare Secondary Payer provisions of this bill will reduce the burdens of the secondary payer process for beneficiaries and other stakeholders. Most importantly, the legislation will do so in a way that ensures that we're also protecting taxpayer dollars and the Medicare trust fund. I do worry, however, that the MSP bill does not include administrative funding for the Centers for Medicare and Medicaid Services, or CMS, to implement these new changes.

One of the primary complaints I hear about MSP is that stakeholders are currently frustrated because the process does not move fast enough. But here we are, legislating new responsibilities on top of an already slow process—with no funding. This will simply burden the agency and make it more difficult to get to resolution on secondary payer cases in a timely fashion. So I hope that at some future date we can provide a reasonable sum to the agency to allow them to be better equipped to speed this process along.

One additional point on MSP: the new process we've established for resolving disputes of claims posted on the Web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note that there should be no ambiguity. This bill does not supplant existing appeals rights.

In addition to MSP changes, this bill also provides for a 3-year demonstration related to IVIG. IVIG is a blood-derived treatment that helps strengthen the immune systems of immune-deficient patients and prevents paralysis in some autoimmune diseases and neuropathies. Currently, Medicare beneficiaries may receive home infusion of IVIG as a part B benefit; however, the equipment, nursing services, and supplies necessary for the home infusion are not reimbursed.

Congresswoman MATSUI has been a clear leader on this issue and it's to her credit that it's included in this package today. She's worked so tirelessly on this IVIG issue, and I'm hopeful that this demonstration project she has championed will both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on behalf of these patients.

I also want to thank Chairman UPTON for working on these two issues with us, and I look forward to the next Congress, where, hopefully, we'll find additional areas of common ground to work on.

Mr. KIND. I have no further speakers. I encourage my colleagues to support H.R. 1845, and I yield back the balance of my time.

Mr. BRADY of Texas. I yield myself such time as I may consume.

In closing, I want to thank my counterpart, DORIS MATSUI, for her great work on this issue. I so appreciate the leadership and partnership of Mr. KIND and Mr. MURPHY in combining these two important health care bills in order to both provide safer, more affordable access to care for those with compromised immune deficiencies, as well as finding ways to save money with the important Medicare program and the SMART Act.

I want to thank Dan Elling, staff director of the Ways and Means Subcommittee on Health, as well as Jennifer Safavian for her leadership on the Ways and Means Committee. But I especially want to thank my constituent friend, Carol Ann Demaret, the mom of David, for her decades of hard work on behalf of these patients. And I appreciate so much Marcia Boyle, the founder of the Immune Deficiency Foundation, and all those patients who for years have come up here asking for this help and change.

Today, this Congress, Republicans and Democrats alike, join together in providing that help and that access. I urge support for this bill and yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased that we are bringing this bill to the floor today. This bill combines two pieces of legislation, H.R. 1845 which provides a demonstration for the coverage of home infusion of intra venous immune globulin (IVIG) and H.R. 1063, which makes improvements to the Medicare Secondary Payer process.

H.R. 1063 was developed and reported by the Energy and Commerce Committee as a bipartisan effort. I commend Chairman Upton's willingness to work with us to achieve a solution. I believe we have a good balance assembling this package of improvements to the current process.

Under current law, Medicare is a secondary payer to certain group health plans and non-group health plans regardless of state law or plan provisions. These plans include auto or other liability insurance, no-fault insurance, and workers' compensation plans. But even though it is legally a secondary payer, it pays medical claims for Medicare beneficiaries—even if they may have other entities with a legal responsibility—and then recovers its expenditures so seniors and persons with disabilities are able to get the services they need. Then the appropriate claims are settled after the fact. The goal of the Medicare Secondary Payer bill is to reduce the burdens of the secondary payer process for beneficiaries and other stakeholders and help to have timely settlements, but to do so in a way that makes sure we are also protecting taxpayer dollars and the Medicare trust fund.

I do regret that we were unable to include administrative funding for the Centers for Medicare and Medicaid Services (CMS) to implement these new changes. Stakeholders are currently frustrated because the process does not move fast enough; adding new responsibilities on top of an already slow process—with no new funding—is going to burden the agency and make it more difficult to meet the stakeholders' desired time frame for resolution. I hope that at some future date we can provide a reasonable sum to speed this process along.

I would like to clarify one additional point regarding the changes in this bill. The new process we have established for resolving disputes of claims posted on the web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note there should be no ambiguity.

I am also pleased that a bill Congresswoman MATSUI has been a clear leader on is included in this package today. She has worked tirelessly on this IVIG issue, and I am hopeful that this demonstration project she has championed will save both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on this issue.

I thank Chairman UPTON for working on these two issues with us, and our colleagues on the Ways and Means Committee who worked to bring these bills to the floor, and I look forward to next Congress where hopefully we will find additional areas of common ground to work on.

Mr. REICHERT. Madam Speaker, I rise today to express my support for H.R. 1845. Title II addresses a set of issues involving the employers and the casualty insurance industry and the Medicare Secondary Payer (MSP) law.

However, this is not the only set of MSP issues that impact workers' compensation that also needs to be addressed. My legislation, H.R. 5284, the Medicare Secondary Payer and Workers' Compensation Settlement Agreement Act, is cosponsored by Representative MIKE THOMPSON and has bipartisan support.

This legislation aims to resolve the delays by the Centers for Medicare and Medicaid Services (CMS) in reviewing workers' compensation settlements to determine the appropriate set-aside amount to be maintained by Medicare beneficiaries to pay for future medical costs in which Medicare may have an interest.

H.R. 5284 creates a system of certainty and allows the workers' compensation settlement process to move forward while eliminating millions of dollars in administrative costs. It will help create clear and consistent standards, currently lacking in the process, to address workers' compensation issues. Most importantly, it will benefit all parties involved—injured workers, employers, insurers and CMS.

I am hopeful that the House of Representatives will be able to move H.R. 5284 towards enactment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1845, 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. BRADY of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1400

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. 6672, by the yeas and nays;

H.R. 1845, by the yeas and nays;

House Resolution 668, de novo.

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

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6672) 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, 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 Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 383, nays 16, not voting 32, as follows:

[Roll No. 633]

YEAS—383

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—16

Amash
Broun (GA)
Campbell
Duncan (SC)
Duncan (TN)
Flake
Foxx
Graves (GA)
Harris
Kingston
Labrador
Massie
Poe (TX)
Stutzman
Walsh (IL)
Woodall

NOT VOTING—32

Akin
Baca
Bartlett
Bass (CA)
Berman
Bilbray
Bono Mack
Coffman (CO)
Costello
Dingell
Gonzalez
Green, Al
Hall
Johnson (IL)
King (NY)
Landry
Luján
Lummis
Mack
McKinley
Murphy (CT)
Nunnelee
Paul
Pence
Platts
Reyes
Schmidt
Shuler
Stark
Sullivan
Towns
Young (FL)

□ 1421

Messrs. DUNCAN of Tennessee, KINGSTON, and LABRADOR changed their vote from ''yea'' to ''nay.''

Ms. WILSON of Florida changed her vote from ''nay'' to ''yea.''

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.

Stated for:

Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 633, I was unavoidably detained. Had I been present, I would have voted "yea."

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, 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 Texas (Mr. BRADY) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 3, not voting 27, as follows:

[Roll No. 634]

YEAS—401

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—3

Amash
Foxx
McClintock

NOT VOTING—27

Akin
Baca
Bartlett
Berman
Bilbray
Bono Mack
Costello
Gonzalez
Green, Al
Johnson (IL)
King (NY)
Landry
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pascrell
Paul
Pence
Peterson
Platts
Reyes
Shuler
Stark
Sullivan
Towns

□ 1428

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.

The title was amended so as to read: ''A bill to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amendment title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.''.

A motion to reconsider was laid on the table.

REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, 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.

Mrs. MYRICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 5, not voting 28, as follows:

[Roll No. 635]

YEAS—398

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel

Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—5

Amash
Campbell
Hastings (WA)
Markey
McClintock

NOT VOTING—28

Akin
Baca
Bartlett
Berman
Bilbray
Bono Mack
Costello
DeGette
Fleming
Garamendi
Gonzalez
Green, Al
Gutierrez
Johnson (IL)
King (NY)
Landry
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pence
Platts
Reyes
Shuler
Stark
Sullivan
Towns

□ 1436

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 633, 634, and 635, I was inadvertently delayed and was not present. Had I been present, I would have voted "yea" on all three votes.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

H.R. 6672—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—had I been present, I would have voted "yea."

H.R. 1845—Medicare IVIG Access Act, as amended—had I been present, I would have voted "yea."

H. Res. 668—To refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members—had I been present, I would have voted "yea."

MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1509

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 ''Medicare Identity Theft Prevention Act of 2012''.

SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) by moving clause (x), as added by section 1414(a)(2) of the Patient Protection and Affordable Care Act, 2 ems to the left;

(2) by redesignating clause (x), as added by section 2(a)(1) of the Social Security Number Protection Act of 2010, and clause (xi) as clauses (xi) and (xii), respectively; and

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

''(xiii) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a Social Security account number (or derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is not identifiable as a Social Security account number (or derivative thereof).''.

(b) IMPLEMENTATION.—In implementing clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), the Secretary of Health and Human Services shall establish a cost-effective process that involves the least amount of disruption to Medicare beneficiaries and health care providers. The Secretary shall consider implementing a process, similar to the process involving Railroad Retirement Board beneficiaries, under which a Medicare beneficiary identifier which is not a Social Security account number (or derivative thereof) is used external to the Department of Health and Human Services and is convertible over to a Social Security account number (or derivative thereof) for use internal to such Department and the Social Security Administration.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 3 years after the date of the enactment of this Act.

(2) REISSUANCE.—The Secretary—

(A) shall provide for the reissuance of Medicare cards that comply with the requirements of such clause not later than 3 years after the effective date specified by the Secretary under paragraph (1); and

(B) may permit an individual to apply for the reissuance of a Medicare card that complies with such requirements before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(d) FUNDING.—

(1) OFFSET FROM MIF.—Amounts in the Medicare Improvement Fund under section 1898 of the Social Security Act (42 U.S.C. 1395iii) that are available for expenditures from the Fund for services furnished in a fiscal year (through fiscal year 2020) shall be available for transfer to the Centers for Medicare & Medicaid Services Program Management Account as the Secretary of Health and Human Services determines necessary to offset the costs incurred by the Secretary (including costs under the agreement described in paragraph (2)(A)) in such fiscal year (or a previous fiscal year) in implementing clause (xiii) of section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), and this section.

(2) AVAILABILITY OF FUNDING FOR THE SOCIAL SECURITY ADMINISTRATION.—

(A) FUNDING UNDER AGREEMENT.—The Commissioner of Social Security and the Secretary of Health and Human Services shall enter into and maintain an agreement which shall—

(i) provide funds to the Commissioner, at scheduled intervals as specified in the agreement, for the full costs of the responsibilities of the Commissioner under this section; and

(ii) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement.

(B) AVAILABILITY OF FUNDS.—Amounts transferred to the Centers for Medicare & Medicaid Services Program Management Account under paragraph (1) shall be available to the Secretary of Health and Human Services to carry out the agreement under subparagraph (A) and the Secretary shall provide funds to the Commissioner as required under such agreement.

(e) ACCOUNTABILITY.—

(1) ACCOUNTING OF EXPENDITURES.—The Secretary of Health and Human Services and the Commissioner of Social Security shall—

(A) keep a detailed accounting of expenditures associated with the implementation of such clause and this section; and

(B) submit a report on such expenditures to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Comptroller General of the United States, on a semi-annual basis, in each of fiscal years 2013 through 2021.

(2) AUDIT.—The Comptroller General shall conduct a semi-annual financial audit of the expenditures of the Department of Health and Human Services and of the Social Security Administration during such fiscal years in implementing such clause and this section. Each such audit shall include an examination of whether funds made available under subsection (d) are used solely for the purpose described in such subsection.

SEC. 3. MEDICARE SMART CARD TECHNOLOGY STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study that examines whether the Medicare program should use smart card technology for Medicare beneficiary cards and for provider membership cards.

(b) DETAILS OF STUDY.—Such study shall include an examination of the following:

(1) Potential levels of provider investment required to use cards with such technology in various care settings.

(2) Systems-related and implementation-related costs to the Medicare program to use such technology.

(3) The extent to which private insurance companies have adopted or considered such technology and their reasons for adoption or non-adoption of such technology.

(4) The extent to which use of cards with such technology would—

(A) reduce the potential for identity theft and other unlawful use of Medicare beneficiary and provider identifying information;

(B) increase the quality of care furnished to Medicare beneficiaries;

(C) improve the accuracy and efficiency in the billing for Medicare items and services furnished by Medicare providers;

(D) reduce waste, fraud, and abuse in the Medicare program; and

(E) impact the ability of Medicare beneficiaries to access services.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this section. Such report may include recommendations regarding the use of smart card technology under the Medicare program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers legislation that has long been a bipartisan priority of the Committee on Ways and Means, protecting seniors from identity theft. Identity theft is a lasting and devastating crime. Victims spend years having to prove who they are while monitoring credit reports, fending off collection agencies for charges they never made, or the IRS for taxes they don't owe. Some are even picked up by law enforcement for crimes committed by the ID thief using their name. Seniors have every reason to be concerned.

According to the Department of Justice, 8.6 million households experienced identity theft in 2010. Over 1 million of these households are headed by seniors at risk of having their Social Security numbers stolen. Fraud involving government documents accounted for 27 percent of the identity theft complaints in 2011, making it the most common and fastest growing form of identity theft complaint according to the Federal Trade Commission.

Mr. Speaker, we know Americans are told not to carry their Social Security cards in case a wallet or purse is lost or stolen. Yet seniors are told they must carry their Medicare card which displays their Social Security number. Not only does this not make sense; it puts seniors at risk. The largest seniors organization in America agrees. According to AARP:

> All Medicare patients must carry a benefits card that displays their Social Security number. Such easy assess to sensitive information makes the cards a hot target for identity thieves who want to file false claims.

Mr. Speaker, the Medicare Identity Theft Prevention Act of 2012 requires the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, to take action to ensure Social Security numbers no longer are used on Medicare cards. It requires the Secretary to develop a cost-effective way to do that, with as little impact as possible on Medicare beneficiaries and health care providers.

Further, funds from the Medicare Improvement Fund are made available to pay for implementation costs. According to CBO, the costs of this bill are fully offset and would not increase the deficit.

Lastly, the bill directs GAO to conduct a study to determine whether the Medicare program should use smart card technology, an idea advanced by my colleagues, JIM GERLACH of Pennsylvania and EARL BLUMENAUER of Oregon, to prevent waste, fraud, and abuse in the Medicare program.

Members should know this isn't the first time CMS has been directed to act. Starting in 2002, GAO first called for ending the use of Social Security numbers on government documents. Then in 2005, fiscal year 2006, the Labor-HHS bill urged the Secretary to accelerate planning for removing Social Security numbers and asked for a report. And then in 2007, OMB issued a directive to all Federal agencies to develop plans for reducing the use of Social Security numbers. And then in 2008, my colleague LLOYD DOGGETT and I brought a bill to the floor that passed by voice vote to end the use of Social Security numbers on Medicare cards. Most recently, at an August 2012 Ways and Means Committee joint subcommittee hearing, GAO questioned CMS's lack of a serious plan to stop displaying the Social Security number.

While CMS fails to act, both the public and private sectors are working to protect their customers and businesses from identity theft. The Departments of Defense and Veterans Affairs are removing Social Security numbers from their ID and medical cards, and I applaud them for taking that action. Private health insurance and many others ended the use of Social Security numbers on public documents a long time ago. And even CMS knows better. It won't allow insurers in the Medicare Advantage and part D drug benefit programs to use Social Security numbers on their enrollees' cards.

The time to protect our nearly 50 million Americans carrying Medicare cards with their personal information is long overdue. It's high time that Congress passes this commonsense bill. There's no reason why American seniors have to continue to be put at risk of ID theft. We need to act right now, and I urge all of my colleagues to vote ''yes'' and pass the Medicare Identity Theft Prevention Act today.

With that, Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank Chairman JOHNSON for his leadership on this, and I concur fully with the remarks he made.

In 2008, I filed this piece of legislation with Chairman JOHNSON's help. At that time, we worked together and passed it through the House, and the Senate failed to act.

□ 1450

And since that time, whether it was under a Republican or Democratic administration, there has not been sufficient priority placed on this by the Centers for Medicare and Medicaid Services to address this question of privacy. It is a serious matter. It clearly requires legislation, and this time, hopefully, the Senate will respond to our bipartisan initiative and get it passed into law.

There are, indeed, about 48 million Americans, seniors, individuals with disabilities, who are carrying in their wallet or purse today something that makes them vulnerable to identity theft, and that something is their Medicare card.

Apart from the Social Security card itself, the Medicare card is the most frequently issued government document that displays a Social Security number, and that practice invites foul play.

It was back in 2007 when the Bush administration, recognizing this danger

by the overuse of Social Security numbers, sent out a directive to Federal agencies to eliminate the use of Social Security numbers and explore alternative identifiers. Despite this directive, Medicare has not yet taken appropriate steps to remove the numbers from Medicare cards.

Although we have bipartisan agreement on the severity of the problem, we also have had bipartisan administrative inaction when it comes to addressing it. Clearly, we need congressional action.

To protect both the savings and the peace of mind of Medicare beneficiaries, this bipartisan legislation would require Medicare to take steps that private companies, the Department of Defense, and the Department of Veterans Affairs have already taken to protect the identities of those that they serve.

Every time that a senior or an individual with disabilities hands over their Medicare card to a health care provider or elsewhere, they are handing over the keys to their financial security. With increasing sophistication by identity thieves, inaction again here is simply unacceptable.

Seniors who have saved, who have built a lifetime of financial security and their reputations are all at stake. Their savings and their credit should not be put needlessly at risk if someone steals a Medicare card or it gets misplaced or left with a provider by mistake.

Medicare should make sure that it does no harm to the financial security and credit rating of those that it serves with health care security. This act will help to ensure that the government better protects our seniors, denying thieves access to this critical data. Inaction would jeopardize in a continuing way the safety of so many.

This legislation, when we previously introduced it, was supported by Consumers Union, the National Committee to Preserve Social Security and Medicare, the Silver Haired Legislature, nationally and in Texas, as well as the Elder Justice Coalition.

Seniors confront many threats to retirement security these days, but this bill will be directed toward one that we can do something about immediately, and that's those who would swindle our seniors.

I urge adoption of the measure, and reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas (Ms. JENKINS), a member of the Committee on Ways and Means.

Ms. JENKINS. I thank the gentleman from Texas for yielding, and would like to commend Chairman JOHNSON and Congressman DOGGETT for their leadership on this legislation.

Mr. Speaker, today there are nearly 50 million Medicare beneficiaries who are told to carry their Medicare cards with them at all times while simultaneously being told not to carry their Social Security card. They are told that carrying their Social Security card in their purse or wallet puts them at risk of identity theft, which is a problem that affects 1 million seniors yearly.

The irony is that the Medicare cards all feature beneficiaries' Social Security numbers prominently. This means that our seniors are in a tight spot. They are at risk of identity theft simply by carrying their Medicare card with them.

I support passage of this bill because it would ensure that a person's Social Security Number is no longer printed on their Medicare card. This bipartisan, commonsense measure will ensure that the 115,000 Medicare enrollees in my district will be safe from identity theft.

Mr. DOGGETT. Mr. Speaker, one addition to this bill from 2008 deals with the question of Medicare fraud. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of legislation dealing with that and a member of the Ways and Means Health Subcommittee, to discuss this important addition.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I strongly identify with the persistence and the eloquence from Chairman JOHNSON and my friend, Mr. DOGGETT, to deal with this problem of identity theft.

The hearing was a little unnerving. I appreciate the follow-through and, hopefully, something will happen. I identify strongly with the arguments you made on behalf of it.

But I would like to focus, if I could, on one other element because it's directly related. And I see my good friend, Mr. GERLACH, is here on the floor, and I anticipate will be speaking to it as well.

We should be concerned about maybe learning another lesson from the Department of Defense, which, as the chairman mentioned, is already using this for their purposes. Being able to use an opportunity for a Common Access Card for Medicare will have very important application to the area of rampant Medicare fraud.

Sixty billion dollars is the number we have heard in our subcommittee. It could be more, it could be less, but it's a huge sum of money, and it compounds going forward.

Our first concern, however, should be about the quality of care for the senior citizens who receive Medicare. And the Common Access Card, being able to digitally track this information, provides security for these transactions, makes it less likely that there will be mistakes, be able to follow up and follow through.

Second, it will, in fact, help us stop fraud. This is an area that has been relentlessly abused, where people order, there are changes in the order, sometimes orders are actually made that are entirely different than what people had requested.

Having this secure card will enable people to be able to have the security of the transaction, know where it's at, greater accuracy of billing, track mistakes, stop fraud. And I cannot say strongly enough that I think it's important for us to move.

I appreciate the work that was done putting a study over the next 2 years about this provision. But with all due respect, I hope, as this legislation works its way through Congress—and I hope that it is yet enacted while we are still here for the 112th Congress—that we're able to be serious not just about a 2-year study. This is an area in which we ought to be able to implement pilot projects right now across the country.

It would make a difference for the administration. I think there's no question we could come to scale very quickly, help senior citizens and the reliability of their Medicare coverage, reduce fraud, and allow government to track our activities going forward.

There's a lot of talk about the fiscal cliff and the need to save money and the back and forth that's going on here. But this provision that Mr. GERLACH and I are advancing is a simple, commonsense, bipartisan proposal that would help us right now improve service, save money, and improve the reliability of the system.

I would hope that this is the sort of provision that would find favor with our colleagues in the House, and with the administration, working together, we can implement those pilot projects sooner rather than later and have broader application for great, positive effect for Medicare, for the taxpayers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), who is a member of the Committee on Ways and Means.

Mr. GERLACH. Mr. Speaker, I want to first acknowledge the hard work and leadership of my colleague on the Ways and Means Committee, Mr. JOHNSON of Texas, as well as our committee chairman, Mr. CAMP of Michigan. Both gentlemen recognize the urgency of finding practical solutions for protecting seniors and taxpayers against easily preventable Medicare waste, fraud and improper payments, and the ever increasing threat of identity theft.

Mr. Speaker, whenever someone in Washington proposes a new idea for shrinking costs and saving precious taxpayer dollars, we usually receive a barrage of questions from folks concerned that they will have to do with less and possibly see services they depend upon curtailed in some way.

This legislation we're considering today contains provisions that would kick-start a critically important process that ultimately may allow Congress to use commonsense technology in cutting an estimated $60 billion a year in improper and fraudulent Medicare payments while making sure seniors enrolled in Medicare receive the care and treatment they have earned.

□ 1500

We're attempting to cut costs without restricting access to care. Specifically, this legislation authorizes a

study by the Government Accountability Office examining the benefits of a proposed pilot program to modernize the Medicare card that almost every senior carries with him or her in a wallet or a pocketbook. Under the proposed pilot program as introduced in legislation by my colleague Congressman BLUMENAUER and myself, as part of the Medicare Common Access Card Act, smart card technology would be used to protect personal information of Medicare participants, prevent phantom billing for procedures that were never performed or products that were never purchased, and speed payments to doctors and hospitals while reducing costly billing errors.

While today's Medicare card provides seniors access to the health care services they need, that small piece of plastic can provide the narrow opening unscrupulous individuals exploit to snatch identities and cheat taxpayers and seniors out of billions of dollars every year.

The U.S. Department of Health and Human Services estimates that waste, fraud, and abuse cost the Medicare program about $60 billion a year. Nearly 10 percent of the entire annual Medicare budget—or approximately $48 billion a year—is lost to improper payments, according to a report issued by the Government Accountability Office. That's a significant amount of human resources and financial resources that are better used helping our seniors pay for hospital visits, prescription drugs, and other vital medical care.

The Department of Defense has issued more than 20 million secure smart cards to authenticate and verify access for access to programs and facilities. To date, the Department of Defense reports that not a single common access card has been counterfeited.

We cannot stop improper payments in the Medicare system until we find a way to know and to verify who is authorized to provide and receive benefits. A comprehensive study is an important first step that will make sure we get the job done right for taxpayers, seniors, doctors, and other health care providers.

Taxpayers and seniors deserve the protection against identity theft and fraud that this legislation would provide, and I urge my colleagues to begin the process of putting in place a simple, low-cost solution for bringing the Medicare card into the 21st century, and I thank the gentleman for leading this effort.

Mr. DOGGETT. I yield 2 minutes to the ranking member of the Health Subcommittee on the Commerce Committee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague from Texas.

Mr. Speaker, I, like many of my colleagues, am concerned with the problem of identity theft—particularly identity theft from elderly individuals, who can be viewed as easy victims by unscrupulous criminals. I think we all agree that a commonsense step to prevent identity theft and further protect beneficiaries is to remove beneficiary Social Security numbers from their Medicare cards, but it's important to point out that this is not as easy as it would seem at first glance.

Medicare has dozens of claims processing systems, each that will need to be modified to accept a new beneficiary number. Providers, too, will have to ensure their billing systems can accommodate the new numbers. We will need an extensive education campaign to ensure that a new numbering system or the issuance of new cards doesn't simply present a golden opportunity for unscrupulous individuals to find a new way to rip off seniors.

Now, I certainly support the policy goal of H.R. 1509, the Medicare Identity Theft Prevention Act of 2012. This bill provides approximately $300 million to the Secretary of HHS to move forward on removing Social Security numbers from ID cards, yet we do not know whether that amount is sufficient. I'm concerned that if we fail to provide sufficient funding for this task, we may wind up with a programmatic mess, confusion, or even worse. I think we owe it to the Medicare beneficiaries and providers to ensure that this worthy undertaking is done well. In addition, the bill allows for funding of the Social Security Administration's costs but not the costs of the Medicare agency itself, and that's an issue that has to be addressed.

So as we move forward, Mr. Speaker, we must make sure that the funding is sufficient and that both CMS and SSA can equitably access these funds. Beneficiary identity security depends on it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), also a member on the Ways and Means Committee and chairman on the Subcommittee on Health.

Mr. HERGER. I thank my good friend from Texas.

Mr. Speaker, I rise to speak in strong support of H.R. 1509, which is commonsense, bipartisan legislation that will protect our Nation's seniors.

I do not doubt that many of us have received letters from constituents who have faced problems due to their Social Security number being compromised. Over the years, I've held a number of forums in my northern California district to raise awareness about identity theft and financial scams targeting senior citizens. I've heard complaints from many of these constituents that, while the public increasingly understands the importance of safeguarding personal information, Medicare isn't doing its part. With today's vote, we take the first step towards removing these numbers from the Medicare cards that beneficiaries are encouraged to carry with them at all times. We've heard too many excuses over the years, and it is becoming clear to me that CMS simply isn't interested in protecting seniors and people with disabilities from identity theft. Importantly, this legislation will not increase the deficit.

H.R. 1509 also includes a study to examine the use of smart card technology in the Medicare program. Some technology stakeholders have expressed concerns with the duration of the 2-year study. If GAO is able to complete the study on a more expedited timeframe, I would be happy to work with Congressman GERLACH and the technology community to shorten this deadline as the bill moves through the legislative process.

Given the inaction at CMS on removing Social Security numbers from Medicare cards, it is time for the Congress to lead. It is time to take this long overdue, commonsense approach and protect America's seniors. I urge passage of H.R. 1509.

Mr. DOGGETT. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee and acting chairman of the Subcommittee on Human Resources.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act.

With the constant growth of technology and, as an unfortunate result, identity theft, I have received numerous inquiries from my constituents—and in particular, seniors—about what we are doing and the need to protect people from identity theft. Earlier this year, I also held a seminar in my district with seniors about identity theft, and it was very well attended.

In 2010, nearly 7 percent of households were victims of identity theft. Of those households, over 1 million were headed by seniors. Today, nearly 50 million Medicare cards display the Social Security number. Social Security numbers are absolutely one of the most valuable pieces of personal identity that we have, therefore making it a top target for criminals.

For years, the General Accounting Office and the Social Security special inspector general have recommended and asked Congress to remove the Social Security numbers from Medicare cards because it is an unnecessary risk for seniors. That's exactly what this legislation does. It will help prevent seniors from becoming victims of these types of theft and fraud by removing the Social Security number from those Medicare cards.

I'm pleased to be a cosponsor and actively support this legislation. This is common sense. This is bipartisan. There's no reason for delay. We can stop putting seniors at unnecessary risk.

I want to thank, in particular, the subcommittee chairman, Mr. JOHNSON, as well as Congressman DOGGETT for their bipartisan leadership on this effort and bringing it to the floor before the end of the year.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MARCHANT), a member of the Committee on Ways and Means.

Mr. MARCHANT. I rise to support the Medicare Identity Theft Prevention Act of 2012. This is a commonsense, bipartisan bill that would establish cost-effective procedures to help protect the identity of all seniors.

Seniors are a high-risk demographic for identity theft. Identity thieves have targeted seniors in my district in Texas and across the country. This year's Centers for Medicare Services inspector general report found that more than a quarter million Medicare beneficiaries have been potential victims of identity theft.

□ 1510

Most Medicare cards currently use Social Security numbers as the identifier. By removing Social Security numbers from Medicare cards, this bill gives seniors the identity protection that they deserve. Seniors work their entire lives for financial security, and that security should not be jeopardized due to preventable identity theft. Other Federal programs and private insurance plans made similar changes years ago, and Medicare beneficiaries should have the same level of identity protection and security.

I'm proud to support this legislation, and I urge my colleagues to do so.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Texas, my colleague, Chairman JOHNSON, and I hope the Senate will respond this time to our action.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Thank you, Mr. DOGGETT.

I yield myself such time as I may consume.

Mr. Speaker, despite increasing pressure from this committee and this House, CMS has refused to act to remove Social Security numbers from Medicare cards. If CMS won't act, we must. This commonsense bill is a vital step in protecting our Nation's seniors from identity theft, and we can't afford to put seniors at risk any longer. Medicare beneficiaries want, need, and deserve better. I urge all my colleagues to vote ''yes,'' and I hope the Senate will act immediately to pass this legislation.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act. I applaud Chairman JOHNSON and Representative DOGGETT for introducing this bill and bringing it to the floor.

America's seniors are some of our most valued citizens. They have spent their lives working hard and preparing for their much deserved "golden years." It seems only fitting, then, that we reward their hard work and labor by protecting them. That's our job.

Under current law, Social Security numbers are used as the main component of a Medicare beneficiary's health insurance claim number and are displayed on over 50 million Medicare ID cards. This simply doesn't make sense. It puts each of these 50 million people at heightened risk for identity theft and fraud. We've already seen high rates for this type of crime: in 2010 alone over 8.6 million households were victims of ID theft, including one million seniors. Seniors' social security numbers are especially valuable because they can be used by thieves to obtain employment, benefits, and credit.

The GAO first recommended removing social security numbers from government documents ten years ago. Both the private and public sectors have already taken steps to remove social security numbers from forms of public identification. However, fully aware of the risks posed to seniors, the Centers for Medicare and Medicaid Services has refused to act. Both sides of the aisle agree, this is simply unacceptable.

Therefore, it is clearly time for Congress to take action. I urge my colleagues to support this legislation so that we can better protect our senior citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1509, 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. DOGGETT. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROTECT OUR KIDS ACT OF 2012

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6655

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

SECTION 1. COMMISSION.

This Act may be cited as the ''Protect our Kids Act of 2012''.

SEC. 2. FINDINGS.

Congress finds that—

(1) deaths from child abuse and neglect are preventable;

(2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;

(3) according to the Child Maltreatment Report of 2011, in fiscal year 2011, 1,545 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;

(4) over 42 percent of the number of children in the United States who die from abuse are under the age of 1, and almost 82 percent are under the age of 4;

(5) of the children who died in fiscal year 2011, 70 percent suffered neglect either exclusively or in combination with another maltreatment type and 48 percent suffered physical abuse either exclusively or in combination;

(6) increased understanding of deaths from child abuse and neglect can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect; and

(7) Congress in recent years has taken a number of steps to reduce child fatalities from abuse and neglect, such as—

(A) providing States with flexibility through the Child and Family Services Improvement and Innovation Act of 2011 to operate child welfare demonstration projects to test services focused on preventing abuse and neglect and ensuring that children remain safely in their own homes;

(B) providing funding through the Child and Family Services Improvement Act of 2006 for services and activities to enhance the safety of children who are at risk of being placed in foster care as a result of a parent's substance abuse;

(C) providing funding through the Fostering Connections to Success and Increasing Adoptions Act of 2008 for grants to facilitate activities such as family group decision-making meetings and residential family treatment programs to support parents in caring for their children; and

(D) requiring States through the Child and Family Services Improvement and Innovation Act of 2011 to describe how they will improve the quality of data collected on fatalities from child abuse and neglect.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(i) 6 shall be appointed by the President;

(ii) 2 shall be appointed by the Speaker of the House of Representatives;

(iii) 1 shall be appointed by the minority leader of the House of Representatives;

(iv) 2 shall be appointed by the majority leader of the Senate; and

(v) 1 shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Each member appointed under subparagraph (A) shall have experience in one or more of the following areas:

(i) child welfare administration;

(ii) child welfare research;

(iii) child development;

(iv) legislation, including legislation involving child welfare matters;

(v) trauma and crisis intervention;

(vi) pediatrics;

(vii) psychology and mental health;

(viii) emergency medicine;

(ix) forensic pathology or medical investigation of injury and fatality;

(x) social work with field experience;

(xi) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on one or more of the other areas listed under this subparagraph;

(xii) law enforcement, with experience handling child abuse and neglect matters;

(xiii) civil law, with experience handling child abuse and neglect matters;

(xiv) criminal law, with experience handling child abuse and neglect matters;

(xv) substance abuse treatment;

(xvi) education at an elementary school or secondary school, as those terms are defined

in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(xvii) epidemiology; and

(xviii) computer science or software engineering with a background in interoperability standards.

(C) DIVERSITY OF QUALIFICATIONS.—In making appointments to the Commission under subparagraph (A), the President and the congressional leaders shall make every effort to select individuals whose qualifications are not already represented by other members of the Commission.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 60 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study on the use of child protective services and child welfare services funded under title IV and subtitle A of title XX of the Social Security Act to reduce fatalities from child abuse and neglect.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the effectiveness of the services described in paragraph (1) and best practices in preventing child and youth fatalities that are intentionally caused or that occur due to negligence, neglect, or a failure to exercise proper care;

(B) the effectiveness of Federal, State, and local policies and systems within such services aimed at collecting accurate, uniform data on child fatalities in a coordinated fashion, including the identification of the most and least effective policies and systems in practice;

(C) the current (as of the date of the study) barriers to preventing fatalities from child abuse and neglect, and how to improve efficiency to improve child welfare outcomes;

(D) trends in demographic and other risk factors that are predictive of or correlated with child maltreatment, such as age of the child, child behavior, family structure, parental stress, and poverty;

(E) methods of prioritizing child abuse and neglect prevention within such services for families with the highest need; and

(F) methods of improving data collection and utilization, such as increasing interoperability among State and local and other data systems.

(3) MATERIALS STUDIED.—The Commission shall review—

(A) all current (as of the date of the study) research and documentation, including the National Survey of Child and Adolescent Well-Being and research and recommendations from the Government Accountability Office, to identify lessons, solutions, and needed improvements related to reducing fatalities from child abuse and neglect; and

(B) recommendations from the Advisory Board on Child Abuse and Neglect.

(b) COORDINATION.—The Commission shall provide opportunities for graduate and doctoral students to coordinate research with the Commission.

(c) RECOMMENDATIONS.—The Commission shall—

(1) develop recommendations to reduce fatalities from child abuse and neglect for Federal, State, and local agencies, and private sector and nonprofit organizations, including recommendations to implement a comprehensive national strategy for such purpose; and

(2) develop guidelines for the type of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date on which a majority of the members of the Commission have been appointed, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) EXTENSION.—The President may extend the date on which the report described in paragraph (1) shall be submitted by an additional 1 year.

(3) ONLINE ACCESS.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) LOCATION.—The location of hearings under paragraph (1) shall include—

(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1)—

(A) to examine the Federal, State, and local policies and available resources that affect fatalities from child abuse and neglect; and

(B) to explore the matters studied under section 4(a)(2).

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—At the discretion of the relevant agency, any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the earlier of—

(1) the 30th day after the date on which the Commission submits its report under section 4(d); or

(2) the date that is 3 years after the initial meeting under section 3(d).

SEC. 8. FEDERAL AGENCY RESPONSE.

Not later than 6 months after the submission of the report required under section 4(d), any Federal agency that is affected by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation and the plans of the Federal agency to address the recommendation.

SEC. 9. ADJUSTMENT TO THE TANF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) IN GENERAL.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking ''for fiscal years 2011 and 2012'' and all that follows through the end of the paragraph and inserting ''for fiscal years 2013 and 2014 such sums as are necessary for payment to the Fund in a total amount not to exceed $612,000,000 for each fiscal year, of which $2,000,000 shall be reserved for carrying out the activities of the commission established by the Protect our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.''

(b) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2013.—Expenditures made pursuant to section 148 of the Continuing Appropriations Resolution, 2013, for fiscal year 2013, shall be charged to the applicable appropriation provided by the amendments made by this section for such fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6655, the Protect Our Kids Act of 2012. As we are too painfully reminded this week by the horrific tragedy in Newtown, Connecticut, for all the good this Nation has done to lift up children, we still have much more work to do. So, Mr. Speaker, before I get into the remarks about the bill I want to extend my heartfelt condolences to the victims and their loved ones struggling, as we all are, to understand this senseless assault on children and their educators.

While Newtown is rightly receiving the Nation's attention, what goes unnoticed far too often is the number of children that die each year in this country as a result of abuse and neglect. Sadly, their deaths often come at the hands of those who should be caring for them the most.

State reports indicate that more than 1,500 children in the U.S. died from abuse or neglect in fiscal year 2010, and research shows that these reports may significantly understate the actual number of these fatalities. Congress should do what it can to prevent these tragedies, which is why this legislation is before us today.

This legislation is the result of careful bipartisan work over the past couple of years. In 2010, I requested that the Government Accountability Office (GAO) review what is known about the circumstances of child deaths and near deaths resulting from abuse and neglect, State approaches to gathering and reporting this information, and what steps the Department of Health and Human Services has taken to support the collection and accurate reporting of this information.

GAO completed its review in July of last year and presented its findings at a Ways and Means Subcommittee on Human Resources hearing that same month. In their report, GAO said many more children die from abuse and neglect than are currently reported. They also reported that government agencies have different definitions of abuse and neglect, and that administrative barriers hinder the sharing of this information across agencies.

Following that hearing, I worked with Congressman DOGGETT—and I thank him for his bipartisan support—the ranking member of the Subcommittee on Human Resources, to develop a legislative proposal to address these issues. Last week, the subcommittee held another hearing to review this proposal. Finally, after almost 2 years of work, we are here on the House floor today to consider and pass this important bill.

This bipartisan legislation will establish a commission charged with developing recommendations to reduce child deaths caused by abuse and neglect. The commission will study a variety of issues, including data on fatalities, prevention methods, and the adequacy of current programs before making their recommendations. Any Federal agency affected by a recommendation of the commission will be required to report within 6 months on how it plans to address the recommendation. Importantly, this legislation is paid for and will not add to our deficit.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote in favor of this bipartisan bill and, in doing so, take an important step toward preventing the tragic deaths of so many of our Nation's children from abuse and neglect.

Mr. Speaker, I yield the remainder of my time to Mr. PAULSEN, the acting chair of the Human Resources Subcommittee, and ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota will control the balance of the time.

There was no objection.

Mr. DOGGETT. My thanks to Chairman CAMP and Chairman PAULSEN, whose leadership has facilitated our consideration of this bill today and the crafting of it into the piece of legislation that it is.

I rise in support of the Protect Our Kids Act, which represents an improved version over legislation that I introduced about a year ago.

We are reminded, as Chairman CAMP indicated, by the tragedy in Connecticut, each family touched by the damage, the deaths of these youngest Americans. In contrast, as with so many families, in our family we share the joy of three little girls. As difficult as it is to conceive of the wrong, the evil that occurred in Connecticut so recently, it is similarly difficult to conceive of how many of our youngest Americans are the subject of abuse and even death.

We, through the Protect Our Kids Act, are seeking to have thoughtful consideration of what steps we can take to protect these most vulnerable children. We're not interested in another commission that just prepares another report that gets filed somewhere; we're interested in action coming from this commission.

The original legislation, which was filed in a way that provided for its consideration in a number of committees, has been, in terms of jurisdiction, narrowed somewhat, but the objectives of the legislation remain as broad as they ever were—to explore every aspect of child abuse leading to child fatalities and to find more bipartisan solutions to addressing that serious matter.

I reflect on the testimony of a witness from Dallas, Madeline McClure, the executive director of the Texas Association for the Protection of Children, who testified before our committee very recently that the estimate of 753,000 children being abused and neglected in America is a conservative one, but that to put it in context, if you filled the Alamodome, the Darrell K. Royal Stadium in Austin, the Hubert Humphrey Metro Dome in Minneapolis, Yankee Stadium, the stadium in Georgia, in Tennessee, Tiger Stadium in Louisiana, the Rose Bowl, the Century Link Fields in Washington State, you would fill those and still not cover all of the children who are subject to abuse and neglect each year in this country. Almost half of those children that are abused are age 4 or under.

Our bill provides an opportunity to take an important step forward in developing a national strategy to protect our most vulnerable children. The commission, appointed by the President and Congress, would develop recommendations to reduce the number of children who die from abuse and neglect.

The commission would bring together a group of experts from around the country in a wide variety of professions to identify prevention efforts. So little of the resources that we focus on abused and neglected children in America today goes to prevention, and that should be an important focus in a broad sense, as well as the collection of good data so that we can adequately compare what's happening and can also understand the best practices that are already underway in many communities across America.

□ 1520

As we listened to experts both in our recent hearing in front of the Subcommittee on Human Resources and last year when we held a hearing, we note the need for what one called an ''accessible blueprint'' for the States to implement better child abuse prevention strategy. That's a blueprint that this commission can provide.

In my home State of Texas, there are groups like Voices for Children San Antonio, CASA, Children's Shelters in San Antonio, Austin and other communities, and TexProtects, that are serving as a voice for the voiceless and trying to prevent child abuse. There are local leaders like Texas State Senator Carlos Uresti, who was the moving force behind the Texas Blue Ribbon Task Force and the Bexar County Task Force on Child Abuse.

The important work that these folks are doing has been a great benefit; but despite it, the fatalities that are stemming from child abuse continue to grow, and they are almost at epidemic proportions in Texas, and in San Antonio in particular. Last year, there were almost 6,000 confirmed cases of child abuse in the San Antonio area in Bexar County, the highest number in Texas, higher than even Houston and Harris County, which has about twice the population.

In the last decade, Texas had over 2,000 children who were killed—who

died—as a result of abuse and neglect. Last year, we had a total in Texas of nearly 66,000 confirmed cases. That's just too much. There is more that we can do and that we must do to protect these youngest Americans.

Child abuse and neglect are not isolated. The children don't just ''bounce back.'' The consequences of abuse and neglect are felt throughout the lifetime and, indeed, often from one generation to another. These conditions can linger for a very long time. The data are clear: among those adults who have experienced the highest level of childhood trauma, these individuals were five times more likely to suffer from alcoholism, nine times more likely to be involved in drug abuse, three times more likely to be clinically depressed, and four times more likely to be addicted to nicotine. Additional research shows a relationship between childhood abuse and the presence of a range of adult diseases.

In the past, this Congress' adoption of expert advice has provided progress in dealing with the issue of child neglect and abuse. We have made some positive changes to the way children are placed into foster care and have elevated child safety as a primary welfare goal for the States. But as evidenced by the statistics, there are gaps in policy. There is much more work to be done to reduce the number of children who die each year in the hands of someone who is supposed to be caring for them.

The Protect Our Kids Act is a significant step in the right direction, and I urge its approval.

I reserve the balance of my time.

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

Mr. Speaker, today we have an opportunity to improve the way our child welfare system works. We have a chance to learn what is most effective in preventing fatalities from child abuse and neglect. By acting on this bill today, we can make a significant difference in the lives of children who need to be protected.

In a hearing that we held just this last week on the Protect Our Kids Act of 2012, I shared the heartbreaking story of Devin Drake, who is an example of the type of tragedy we hope to prevent through the work of this important commission.

In August of 2011, Devin Drake was a 3-year-old boy living just outside of Minneapolis with his mother and her boyfriend. Child welfare officials had been in contact with the family previously, but this wasn't enough to prevent what happened next. It was on one fateful night that Devin was seriously injured when his mother's boyfriend struck him, knocking him down to the bathroom floor. Devin hit his head hard enough that he had trouble standing up, but neither his mother nor her boyfriend took the time to bring him to the hospital.

His condition worsened the next day; and when he was finally taken to the hospital, it was too late. Doctors reported that Devin had severe head trauma, punctured lungs, and a number of contusions. Four days later, Devin Drake died.

This bill will help to prevent those types of tragedies. This commission created by this bill would review the effectiveness of current child welfare services, it will examine the data we have now about childhood fatalities, and it will study factors that are predictive of child abuse and neglect. And through this work, this commission can provide Congress and others with critical information on how we can improve our child abuse prevention efforts.

I note that while this bill provides some resources for the commission to do its work, thanks to Chairman CAMP and Mr. DOGGETT, they have worked very carefully to ensure that the commission operates within existing social services funding. As a result, this bill does not add to the deficit. This shows how critical this issue is and how bipartisan this issue is, as well.

I urge all my colleagues to support this important legislation and reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, at this time, I would yield 2 minutes to the gentlewoman from California, who is the cochair of the Foster Youth Caucus and who has actively participated in coming to the hearings in our committee because of her great interest in preventing child abuse, Ms. BASS.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of the Protect Our Kids Act. First of all, I want to thank Ranking Member DOGGETT, Chairman CAMP, and Chairman PAULSEN for their leadership and commitment to eliminating child fatalities.

Unfortunately, Federal Government statistics estimate that every day in America approximately 2,000 children are confirmed victims of child abuse and neglect, nearly 700 children are removed from their families and placed in foster care due to child abuse and neglect, and about four children die as a result.

Additionally, in fiscal year 2010 alone, more than 1,500 children in the U.S. died due to maltreatment. Of these, more than 40 percent were under the age of 1 year old, and more than 80 percent were under the age of 4.

These statistics are absolutely unacceptable; and to make matters worse, research has shown that these reports substantially underestimate the number of children who die due to maltreatment.

As a Nation, we have a responsibility to develop effective strategies and solutions to proactively stop this abuse and neglect. When children are removed from their home, they really become our children, and it is our responsibility.

While Congress has enacted a variety of laws regarding child welfare and protection, there is no unified, comprehensive Federal strategy for reducing instances of child abuse and neglect. This bill will ensure that the highest levels of government work together to develop a national strategy to eliminate child abuse and neglect fatalities. By bringing together experts on child development, trauma and crisis intervention, pediatrics, social work, law enforcement, criminal law, and substance abuse treatment, the commission will truly protect our kids.

As the cochair of the Congressional Caucus on Foster Youth, I look forward to continue working with my colleagues to help prevent child abuse, neglect and fatalities. I urge my colleagues to support H.R. 6655.

Mr. PAULSEN. Mr. Speaker, we have no other speakers. I reserve the balance of my time.

Mr. DOGGETT. I would yield myself such time as I may consume.

Mr. Speaker, as Texas District Judge Darlene Byrne, a leader in establishing child protection courts has said:

> Childhood should be a time of innocence and freedom, but it is a sad fact that many children are vulnerable to injury and abuse. Our Nation's children need good leaders to stand up and find creative ways to protect them from harm. The creation of the National Commission to End Child Fatalities is an important step in that direction.

At a hearing, Mr. Speaker, of our Ways and Means Human Resources Subcommittee that we held over a year ago, I expressed hope that we would be able to come together in a bipartisan response. Today, we are doing just that.

As we take this step toward reducing child neglect and abuse, I would like to thank the many children's protection groups that have been so instrumental in providing input and support for this legislation, including the members of the National Coalition to End Child Abuse Deaths; particularly the National Association of Social Workers; the National Center for the Review and Prevention of Child Deaths; the National Children's Alliance; Every Child Matters Education Fund; and, of course, the National District Attorneys Association, as well as individuals like Michael Petit, Teresa Huizar, who testified before our committee, Kim Day, Teri Covington and Joan Zlotnick.

We have a real chance to see this bipartisan legislation become law this very year in the few days that remain. There is similar, bipartisan legislation that was introduced last year at the same time I originally filed the bill that is authored by Senators KERRY and COLLINS.

□ 1530

I'm hopeful that the Senate will see the bipartisan action that we have here today and the commitment we have and will move forward with this improved version of the legislation quickly.

With that, I yield back the balance of my time and give my thanks to Chairman PAULSEN.

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

Mr. Speaker, the Protect Our Kids Act of 2012 will help us prevent child fatalities from abuse and neglect. The commission created by this bill will show us how we can improve on our current efforts, and it will help provide us with the information we need to move forward on this issue.

I urge my colleagues to support the bill today.

I want to thank not only Chairman CAMP, but Ranking Member DOGGETT for his leadership and his passion on this issue.

I urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 6655.

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. PAULSEN. 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.

JAMES M. CARTER AND JUDITH N. KEEP UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6166) to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6166

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

SECTION 1. DESIGNATION.

The United States courthouse located at 333 West Broadway Street in San Diego, California, shall be known and designated as the ''James M. Carter and Judith N. Keep United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''James M. Carter and Judith N. Keep United States Courthouse''.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to offer my bill, H.R. 6166, for consideration to designate the new courthouse at 333 West Broadway Street in San Diego as the James M. Carter and Judith N. Keep United States Courthouse.

First, I would like to thank Chairman MICA, Ranking Member RAHALL, Subcommittee Chairman DENHAM and Subcommittee Ranking Member NORTON, the Democratic and Republican staff of the Committee, and my colleagues from California who came together to move this legislation honoring two highly deserving judges and human beings.

By way of background, when this iconic new courthouse construction project in downtown San Diego was nearing completion and the time had come to consider a name for the new building, my office sought input from the San Diego legal community to determine a consensus choice.

After considering hundreds of submissions, it became clear that, among many worthy options, San Diegans preferred to honor two former, prominent San Diegan judges—Judge James Carter or Judge Judy Keep.

After reviewing their achievements, I decided that the right thing to do would be to honor both of these individuals—as they were both true trailblazers in the San Diego community.

And reflecting San Diego's widespread support for honoring Judge Carter and Judge Keep my legislation was endorsed by the San Diego City Council, the San Diego County Bar Association, and San Diego's Mayor at the time, Jerry Sanders.

Judge Carter was the moving force behind the creation of the Southern California District.

In response to the tremendous population growth in San Diego after World War II, Judge Carter successfully convinced the Judicial Conference of the United States to create the Southern District—allowing the people of San Diego and its neighboring communities access to the federal court system.

In 1966, after its creation, Judge Carter became the first Chief Judge of the District Court, serving in that position until his appointment to the 9th Circuit Court of Appeals.

Judge Keep was instrumental in opening up the San Diego legal field to women.

Judge Keep graduated from San Diego Law School as its valedictorian—at a time when fewer than 5% of lawyers were women!

She then worked as a Staff Attorney at Defenders, Inc. where she was the first female staff attorney representing indigent criminal defendants in federal court.

In 1980, Judge Keep was nominated to become the first female judge for the District Court of the Southern District of California, and later she became the District Court's first female Chief Judge.

Displaying true dedication to public service, both Judge Carter and Judge Keep worked tirelessly off the bench to better the San Diego community.

Judge Carter founded the Federal Defenders of San Diego and was instrumental in the creation of the University of San Diego Law School.

Former law clerks of Judge Carter remember him as a giant of his time, a man who was revered by the San Diego legal community, and whose service was an example for all those who followed in his footsteps.

Judge Carter even touched the life of one of our colleagues, Senator MIKE CRAPO. Like many law clerks who passed through the judge's chambers, he was in awe of Judge Carter's service and work. And in Senator CRAPO's words, there is "no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter."

Judge Keep was a Chair of both the Task Force on Judicial Wellness and the Conference of Chief District Judges for the 9th Circuit, and she worked with the San Diego Community Foundation and the Armed Forces YMCA.

And, both judges served as role models and mentors to countless young attorneys and judges in San Diego.

A Superior Court judge, who appeared before Judge Keep as a young prosecutor wrote to me:

Judy's presence and words of wisdom shaped my own career and trajectory. Even after her death, her light continues to shine. I keep her picture in my court chambers to remind me everyday of what is important in life and about how to arrive at the best decisions possible.

Judge Carter and Judge Keep served the public with distinction and truly reflected the San Diego legal community's shared values of excellence and integrity.

The new San Diego Courthouse will be a fitting testament to their careers and inspire others in the community to continue to follow their path.

Thank you again for your consideration of this legislation honoring these two trailblazing San Diego public servants.

U.S. SENATE,
Washington, DC, September 16, 2010.

Representative SUSAN DAVIS,
Longworth HOB,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: I recently became aware of your efforts to solicit input on the naming of the new federal courthouse in San Diego, to be opened in 2013. I expect you have been receiving many worthy suggestions from your constituents, and I would like to join those who have suggested to you that the courthouse be named for former federal judge James M. Carter.

Following graduation from Harvard Law School in 1977, I served for a year as law clerk to Judge Carter on the Ninth U.S. Circuit Court of Appeals. I learned a great deal through this experience and came to admire Judge Carter as an outstanding federal judge.

Judge Carter was responsible for the legislation that first created the Southern District of California, and he would go on to become the District's founding Chief Judge. Upon his passing in 1979, the local newspaper editorials hailed him as ''The Dean of the San Diego Judiciary''.

Given the time that has passed since his service, I recognize many of his contemporaries are no longer with us, and the memory of his accomplishments may have faded. As one who did have the honor of working with this fine man, I can think of no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter.

Thanks for your consideration.

Sincerely,

MIKE CRAPO,
U.S. Senator.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENHAM. 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 materials on H.R. 6166.

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

There was no objection.

PAUL BROWN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6633) to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6633

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

SECTION 1. DESIGNATION.

The United States courthouse located at 101 East Pecan Street in Sherman, Texas, shall be known and designated as the ''Paul Brown United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Paul Brown United States Courthouse''.

Mr. HALL. Mr. Speaker, I rise in support of H.R. 6633, a bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse". Judge Brown was an outstanding Federal judge who passed away on November 26 after 21 years of distinguished service. Judge Paul Brown was my good friend, a respected judge, and beloved member of the Sherman, Texas community.

Judge Brown represented the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse were Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he was able to get his parents' consent to join the U.S. Navy when World War II broke out. He served on a minesweeper in both the Atlantic and Pacific Theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June 1946.

He returned to his studies and received a law degree in 1950 from the University of Texas before being recalled to active duty in the Korean war. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December 1951.

Judge Brown worked as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger—who would become his mentor, good friend, and eventually fellow colleague on the bench. He served as Assistant U.S. Attorney from 1953 to 1959, and then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge and married Frances Morehead, and the two returned home to Sherman, where he practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and he was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity were remarkable, and his reputation for punctuality is legendary.

As we near adjournment of the 112th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist. This bill has the support of the Federal judges in the Eastern District, and I ask for your support of H.R. 6633, to designate the United States courthouse in Sherman, Texas, the "Paul Brown United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENHAM. 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.R. 6633.

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

There was no objection.

JAMES F. BATTIN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3311) to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse.''

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3311

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

SECTION 1. JAMES F. BATTIN UNITED STATES COURTHOUSE.

(a) IN GENERAL.—

(1) DESIGNATION.—The United States courthouse located at 2601 2nd Avenue North, Billings, Montana, shall be known and designated as the ''James F. Battin United States Courthouse''.

(2) TECHNICAL AMENDMENT.—The ''James F. Battin United States Courthouse'' located at 315 North 26th Street, Billings, Montana, shall no longer be known and designated as the ''James F. Battin United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a)(1) shall be deemed to be a reference to the ''James F. Battin United States Courthouse''.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. 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 materials on S. 3311.

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

There was no objection.

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

S. 3311 would designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the James F. Battin United States Courthouse.

Judge Battin received his law degree from George Washington University Law School in 1951. Prior to attending law school during World War II, Judge Battin served in the United States Navy.

Early in his career, Judge Battin practiced law in Washington, D.C., and in Billings, Montana. Later, he served in a number of public service positions, including deputy county attorney for Yellowstone County, Montana, and city attorney in Billings.

In 1958, Judge Battin served as a State representative in Montana, and in 1961 Judge Battin was elected to the U.S. House of Representatives and served as a U.S. Representative from Montana until 1969. In 1969, Judge Battin was appointed by President Nixon to be a judge on the U.S. District Court for the District of Montana. During that time, he served as chief judge from '78 to '90, when he assumed senior status.

Judge Battin's commitment to public service is clear. I believe his dedication to serving this Nation makes it fitting to name this courthouse after him.

I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of S. 3311. It's a bill to designate the courthouse in Billings, Montana, as the

James F. Battin United States Courthouse.

As my colleague has so aptly stated, in 1969, President Nixon appointed James Battin to the Federal bench in Billings, Montana, where he continued his 40 years of public service to the citizens of that State. In 1978, Judge Battin was appointed chief judge and served in that position for 12 years. He remained active in judicial affairs until his death in September of 1996.

Prior to his judicial appointment, Judge Battin served, as was mentioned, in the House of Representatives, representing eastern Montana from 1960 to 1969, when he resigned to receive his judicial appointment. While in this Congress, Judge Battin served on the Judiciary Committee, the Foreign Affairs Committee, and the Ways and Means Committee.

Judge Battin was also a World War II Navy veteran, a member of the Montana State Legislature, and also Billings city attorney and general counsel for the Billings planning board.

It is fitting to honor the contributions Judge Battin, a great hero to Montana, has made to public service with the designation of the U.S. courthouse in Billings, Montana, as the James F. Battin United States Courthouse.

I urge support of S. 3311 and urge my colleagues to also support the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 3311.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1540

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 925

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 ''Mt. Andrea Lawrence Designation Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a lifelong love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d'Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as ''Mt. Andrea Lawrence''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to ''Mt. Andrea Lawrence''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 925 will designate an unnamed mountain near Yosemite National Park in California as Mt. Andrea Lawrence in honor of the late Olympic skier and local community leader in that area.

Similar legislation passed the House by voice vote in the last Congress, legislation which was not taken up in the other body. I, once again, urge my colleagues to support this simple bill. Its companion measure in the House, I might add, is authored by our colleague from California (Mr. MCKEON).

With that, I reserve the balance of my time.

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

The bill designates an unnamed mountain peak at the northern border of the Ansel Adams Wilderness and Yosemite National Park in California as Mt. Andrea Lawrence.

Andrea Lawrence, a former Olympic skier and inductee into the U.S. National Ski Hall of Fame, was a community leader in northern California who worked to protect these special places and communities in the eastern Sierras.

We applaud Senator BOXER and Congressman MCKEON for this legislation, and we support its passage.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I speak in favor of S. 925, to name a peak in the Eastern Sierra in honor of Andrea Mead Lawrence. This legislation is a companion bill to my House version, H.R. 1818. I would like to thank Senator BOXER for working with me to ensure the legacy of a great woman who called the Eastern Sierra home. Let me also express my appreciation to the leaders of the Committee on Natural Resources, Chairman HASTINGS and Ranking Member MARKEY who worked to help bring this legislation to the floor today, as well as Majority Leader CANTOR for allowing this bill to move.

Andrea Mead Lawrence was a remarkable woman. I was honored to know and work with her for the protection of the Eastern Sierra, a cause she championed for much of her life. Born in Rutland County, Vermont on April 19, 1932, she developed a life-long love of winter sports and appreciation for the environment. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d'Ampezzo, Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo, Norway, she won two Gold Medals in the Olympic special and giant slalom races. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect the area's natural treasures.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control

District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Institute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children and four grandchildren, as well as a distinguished record in skiing. Her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence's life philosophy is summed up in her quote "Your life doesn't stop by winning medals. It's only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways." Mr. Speaker, it is very fitting to name Peak 12,240 "Mt. Andrea Lawrence"; both in her honor, and as a visible point of inspiration for future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 925.

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. GRIJALVA. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

HATCH ACT MODERNIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2170

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 ''Hatch Act Modernization Act of 2012''.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

''(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.''.

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting '', or the executive branch of the District of Columbia, or an agency or department thereof'' before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

''(i) a State or political subdivision thereof;

''(ii) the District of Columbia; or

''(iii) a recognized religious, philanthropic, or cultural organization.''.

(c) EXCEPTION OF CERTAIN OFFICERS.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking '''or municipality'' and inserting '', municipality, or the District of Columbia' ''; and

(2) by striking '''or municipal'' and inserting '', municipal, or the District of Columbia' ''.

(d) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting ''(or in the case of the District of Columbia, in the District of Columbia)'' after ''the same State''.

(e) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding ''or'' at the end;

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by striking subparagraph (C); and

(4) by striking ''services;'' and inserting ''services or an individual employed or holding office in the government of the District of Columbia;''.

(f) EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

''(1) the municipality or political subdivision is—

''(A) the District of Columbia;

''(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

''(C) a municipality in which the majority of voters are employed by the Government of the United States; and''.

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

''§ 7326. Penalties

''An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000.''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. 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 the bill under consideration.

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

There was no objection.

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

The adoption today of S. 2170 will mark an important step in the Oversight and Government Reform Committee's long-term effort to modernize the Hatch Act.

At its best, the Hatch Act keeps partisan politics out of the workplace and prevents those in political power from abusing their authority to advance partisan political causes. At its worst, however, the Hatch Act causes the Federal Government to unnecessarily interfere with the rights of well-qualified candidates to run for local office.

S. 2170 addresses these flaws by easing restrictions on State and local government employees and on employees of the District of Columbia Government who are covered by the Hatch Act. The bill also provides a greater range of penalties, in addition to termination, for those Federal employees who violate the law. S. 2170 will allow more individuals the right to run for public office without violating the Hatch Act.

Under current law, State and local government employees may not run for partisan office if their jobs are connected to Federal funding. For example, in Pennsylvania, a K–9 officer was not allowed to run for a local school board because his partner, a black Labrador, was tied to funding from the Department of Homeland Security. In another case, the U.S. Office of Special Counsel advised an ambulance driver that he would violate the Hatch Act if he ran for county coroner because some of the patients he transported received Medicaid.

In enforcing the Hatch Act, the Office of Special Counsel routinely advises deputy sheriffs they are ineligible to run for sheriff, and the number of

local law enforcement Hatch Act cases has dramatically increased with the influx of Federal dollars to local police departments as a result of the attacks on September 11, 2001. The best candidates for local law enforcement and other positions are often disqualified from participating in local elections. The concern is especially acute in rural areas, where the pool of candidates for elective office is limited by the population.

Congressman LATTA has led the way in championing Hatch Act reform for State and local sheriffs. The National Sheriffs Association has noted that the current law ''severely limits the number of qualified candidates for sheriff.''

The OSC is required by law to intervene in State and local contests hundreds of times a year through formal investigations. The OSC also issues thousands of advisory opinions annually to potential State and local candidates. Approximately 45 percent of the OSC's overall Hatch Act case load, including more than 500 investigations over the past 2 years, involves State and local campaign cases. These cases do not involve any allegations of coercive or abusive political conduct.

Investigating hundreds of State and local campaigns annually is a poor use of the OSC's limited budget, and it creates a burden on States and localities that must respond to these investigations. The U.S. Office of Special Counsel should be spending its limited resources on investigations of waste, fraud, and abuse in the Federal Government. It should not be spent interfering with State and local elections and disqualifying qualified candidates from seeking elective office.

With that, I reserve the balance of my time.

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

I rise in support of S. 2170, the Hatch Act Modernization Act. This needed bill is based on recommendations from the head of the U.S. Office of Special Counsel, Carolyn Lerner. This legislation was introduced by Senator DANIEL AKAKA, along with the ranking member of the Oversight Committee, ELIJAH CUMMINGS. This bill will make three key reforms:

The first reform will allow State and local government workers to run for political office. The Hatch Act prohibits any of these employees from running in a partisan political election if their jobs involve Federal funding. This creates problems for many government workers who are otherwise well qualified to run for local office.

For example, Mr. Jon Greiner had to be fired as police chief of Ogden, Utah, because he ran for a State senate seat and won. Ms. Kristin DiCenso, an Illinois State employee, was prevented from running for court clerk. In response to this barrier, she said, ''I was utterly deflated. It's insanity.''

The second reform would institute a less severe range of penalties for Hatch Act violations. Current law requires employees who violate the Hatch Act to be terminated unless the Merit Systems Protection Board unanimously votes for a lesser penalty. Jon Adler, the president of the Federal Law Enforcement Officers Association, testified that this penalty system is draconian.

The third reform made by this bill is to treat District of Columbia employees like State and local government employees under the Hatch Act.

□ 1550

This is a commonsense change.

In closing, I support the Hatch Act Modernization Act, and I hope that every Member of the House will support this bill so that it can become law.

Mr. Speaker, I ask that we pass the underlying bill, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time I'd like to yield 3 minutes to my friend and colleague, Mr. CHAFFETZ of Utah, a member of the Oversight and Government Reform Committee.

Mr. CHAFFETZ. Mr. Speaker, I thank the gentleman from Texas. I rise in support of S. 2170, the Hatch Act Modernization Act of 2012. I'd also like to thank and commend Ranking Member CUMMINGS and his work with Chairman ISSA for bringing this bill to the floor on a bipartisan and a bicameral basis.

I also want to commend Senator MIKE LEE for his tireless work on this, his concern, particularly on what happened in Utah, and his good work with Senator AKAKA. The bill wouldn't be here today without their good work, and I commend them both for working, again, in a bipartisan way.

I am also a proud cosponsor of H.R. 4152, sponsored by Ranking Member CUMMINGS—I'm glad to come together with him—which is the House companion to S. 2170. S. 2170 makes commonsense, long overdue reforms to the Hatch Act, which became law nearly 75 years ago. While the numerous reforms this legislation includes are all important, I'd like to highlight the critical reform made by section 2 of this bill.

In May of this year, the Oversight and Government Reform Subcommittee with jurisdiction over the Federal workforce held a hearing where members heard of the ongoing problems with the Hatch Act and options for reform. At the hearing, the subcommittee heard from my fellow Utahn Jon Greiner, an individual whose experience with the Hatch Act has become far too common and is the reason why we're here today.

In 2006, Mr. Greiner, while serving as the chief of the Ogden City Utah Police Department, was elected to the Utah State Senate. While this occasion would presumably be joyous, unfortunately for Chief Greiner, it was the beginning of a 5-year legal battle with the Federal entities charged with the enforcing of the Hatch Act. At the end of the long and costly legal battle, Chief Greiner was ultimately found by these Federal entities to have violated the Hatch Act in December 2011. Chief Greiner was not only fired by Ogden City for his violation, but was also banned by the Federal Government from serving as a law enforcement officer in Utah for 18 months.

And what did Chief Greiner do to deserve such punishment? He simply signed a required quarterly report for a Federal technology grant awarded to upgrade the Weber and Morgan County, Utah, emergency dispatch center—a Federal grant that didn't even directly benefit the Ogden City Police Department but, instead, was designed to enhance the dispatch capabilities for the entire county. Chief Greiner didn't receive a cent of the money in his paycheck nor did his department. He was simply the department and city's point of contact after one pen stroke ended an exemplary career of nearly four decades of distinguished public service.

Thankfully, Mr. Speaker, section 2 of S. 2170 will now make it possible for State and local public servants whose job is connected to Federal funding to be able to run for office—while still preventing those who are paid completely by the Federal Government from running for office.

Sadly, Mr. Speaker, Chief Greiner's Hatch Act violation, while absurd, has occurred all over the country. I'm happy to say, after this legislation is passed, it should never, ever happen again. I urge my colleagues to join me in supporting this bipartisan, bicameral piece of legislation.

Again, I thank Chairman ISSA for making this happen and for the work of Ranking Member CUMMINGS.

Mr. CLAY. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Maryland, ELIJAH CUMMINGS, the chief sponsor of the bill.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the Hatch Act Modernization Act.

Senator AKAKA and I introduced this legislation, along with a number of our distinguished colleagues on both sides of the aisle. The bill incorporates recommendations for reform that the Special Counsel Carolyn Lerner sent to Congress last year. I want to thank Senator AKAKA not only for his work on this bill, but for everything he has done for Federal workers.

I would also like to take a moment to thank my good friend Representative JASON CHAFFETZ, the chairman of the National Security Subcommittee, for his very hard work in support of this legislation, as well as Chairman ISSA for helping to bring this bill to the floor today.

This legislation makes commonsense reforms to the Hatch Act that are much needed. The Hatch Act was passed to ensure that Federal Government employees work on behalf of the American people rather than whatever political party is in power. The law works well most of the time, but it has had some unintended consequences.

Currently, the Hatch Act prohibits State and local government employees from running for partisan political office if they work on programs that receive Federal funding. This can and has led to some unfair and absurd results. For example, Matthew Arlen, a transit officer in Philadelphia, was barred from running for his school board because his canine partner was paid for by a Federal grant. Officer Arlen told The Washington Post:

I was upset because I truly believed I had something to offer my community.

Mr. Speaker, I include in the RECORD a New York Times op-ed by Special Counsel Carolyn Lerner. In her op-ed, Special Counsel Lerner wrote:

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates even when there is no indication of wrongdoing.

This bill will fix that.

The Hatch Act Modernization Act also creates a range of penalties for Hatch Act violations. Currently, the only available penalty for violation of the Hatch Act, no matter how minor the violation, is termination, unless the Merit Systems Protections Board votes unanimously to impose a lesser penalty. Under this legislation, the Board will have the ability to impose a punishment that fits the crime.

This legislation also ensures that the District of Columbia employees are treated similarly to State and local government employees rather than as Federal employees.

The Hatch Act Modernization Act makes reforms that are much needed, that are bipartisan, noncontroversial, and widely supported. I urge my colleagues to support the bill and send it to the President for his signature.

Again, I want to thank all of my colleagues for joining in on this effort to make this commonsense bill law.

[From the New York Times, Oct. 30, 2011]

A LAW MISUSED FOR POLITICAL ENDS

(By Carolyn N. Lerner)

WASHINGTON.—The federal agency I lead, the United States Office of Special Counsel, enforces a law that is broken and needs to be fixed.

The law, the Hatch Act of 1939, was intended to keep improper politics out of the federal workplace. At its best, it prevents people in political power from abusing their positions. It prohibits coercion by a government supervisor—such as pressuring employees to volunteer for or contribute to a campaign—and shields the civil service and the federal workplace from politicking.

But at its worst, the law prevents would-be candidates in state and local races from running because they are in some way, no matter how trivially, tied to a source of federal funds in their professional lives. Our caseload in these matters quintupled to 526 complaints in the 2010 fiscal year, from 98 in 2000. We advised individuals on this law 4,320 times in 2010.

Matthew P. Arlen is a police officer for the Southeastern Pennsylvania Transportation Authority. A Republican, he wanted to run for the school board, but we told him in June he could not because his bomb-sniffing dog is funded through the Department of Homeland Security.

The Port of Albany, in New York, got stimulus funds to rebuild its dock and wharf, so we told Terrence P. Hurley, who is the port's chief financial officer, that he could not run in last month's Democratic primary for the county legislature.

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates, even when there is no indication of wrongdoing. An allegation that a candidate has violated federal law—simply by stepping forward to run—can cast a cloud.

Of course, the would-be candidate could give up his day job. But the day job usually pays the rent, and many of the elective offices being sought pay little or nothing. Forcing people to resign in order to participate in the democratic process is unfair and bad policy.

Sheriffs' offices are especially affected. Since 9/11, federal grants to state and local law enforcement have soared. Deputies are commonly the most knowledgeable and capable potential candidates, but they are ineligible to succeed their bosses because of the influx of federal money.

Anthony C. Nelson is on next month's ballot for sheriff in Lowndes County, Miss. He stepped up after the previous Democratic nominee, an acting police chief, left the race over a Hatch Act problem. Then Mr. Nelson, the head of the local juvenile detention center, was himself accused of violating the act. An investigation by our office found that the center got no federal funding, so he remains on the ballot.

I have sent Congress proposed legislation to fix the Hatch Act by removing restrictions on state and local government workers who want to run for elected office. This would not cost taxpayers anything. It would demonstrate respect for the independence of state and local elections, and would allow qualified candidates to serve their communities as elected officials.

Mr. FARENTHOLD. Mr. Speaker, I'd like to yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

I rise today in support of the Hatch Act Modernization Act of 2012. I want to applaud Chairman ISSA for the oversight and work he has done on the Hatch Act reform during this Congress and thank him for working with me. I'm particularly pleased that the legislation before us today contains a major piece of my legislation, H.R. 498, the State and Local Law Enforcement Hatch Act Reform Act.

Currently, more than six decades since the enactment of the original Hatch Act, there is virtually no law enforcement agency that does not receive some amount or type of Federal funds. Consequently, almost all State or local law enforcement officers are covered under the Hatch Act and must quit their jobs to run for the office of sheriff. This reality discourages experienced individuals from running for the position and places a serious financial burden on them.

Reform to the current version of the Hatch Act is sorely needed. With the passage of the Hatch Act Modernization Act, we will ensure that citizens have the opportunity to elect the best candidate as their sheriff.

Further reform to the Hatch Act is still needed, but the Hatch Act Modernization Act is a step in the right direction and will do a great deal to make sure that highly qualified men and women are able to run for the office of sheriff or other elected positions.

I want to thank Congressman TIM HOLDEN for his partnership with me in this Congress on my legislation, Hatch Act reform for State and local law enforcement officers, and I look forward to continuing to work on this issue in the upcoming Congress.

Mr. CLAY. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1600

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for his work in helping to bring this bill to the floor today.

I especially want to thank the ranking member of the Oversight and Government Reform Committee, ELIJAH CUMMINGS, who introduced the Hatch Act Modernization Act of 2012 in the House, and to thank Senator DANIEL AKAKA, who introduced the bill in the Senate.

I want to especially thank Chairman DARRELL ISSA, who held very productive and revealing hearings on the Hatch Act during this session, without which this bill could not have come to the floor today.

And I thank our friends in the Senate, Senators JOSEPH LIEBERMAN and SUSAN COLLINS, who had their own hearings to modernize the Hatch Act, and who supported the provisions of this bill that pertain to the District of Columbia only.

The Hatch Act Modernization Act of 2012 contains two of our longtime priority bills for the district—the District of Columbia Hatch Act Reform Act and the Hatch Act National Capital Region Parity Act—giving D.C. full equality under the Federal Hatch Act.

Our first bill, the District of Columbia Hatch Act Reform Act, which is included in this bill, passed the House in the last Congress but stalled in the Senate. I have been fighting for the bill for most of my term of service in the Congress.

The D.C. Hatch Act Reform Act eliminates discriminatory treatment of the District of Columbia, which, alone among U.S. jurisdictions, still falls under the Federal Hatch Act, as it did before Congress made the District an independent jurisdiction in 1973 able to enact its own local laws.

My provision retains Federal Hatch Act authority concerning prohibited partisan and political activity that applies to every locality upon receipt of Federal funds or functions, and requires the District to enact its own local Hatch Act barring similar local violations. And I'm pleased to say that the District has already done that and is waiting only for passage of this bill and for signing by the President.

Hatch Act violations in the District are rare, but the District needs to be

able to enforce its own Hatch Act to be fully accountable and responsible for local violations, with which only a local objective body would be familiar.

The present treatment of District employees under the Hatch Act, as if these employees of a local government were employees of a Federal agency, has led to confusion for the Office of Special Counsel, or OSC, which enforces the Hatch Act.

In a recent case, an advisory neighborhood commissioner, elected by the people of the District of Columbia, was cited for violations of the Hatch Act when he ran for higher office, even though these commissioners are elected officials under local D.C. law.

Or to cite another absurdity, the District of Columbia will have its first election for a partisan attorney general in 2014. Under current law, the winner of that election would be treated as if he were a Federal employee. That would mean that the person who won the office of attorney general for the District of Columbia would have to resign that office in order to seek reelection in 2018. And this is not what the Federal Hatch Act, let alone a local Hatch Act, would have intended.

As a result of the failure to clear up the confusion between local and Federal jurisdictions, the application of the Hatch Act to D.C. government employees has been inconsistent by the OSC. The present law leaves the OSC with local responsibility when Federal jurisdiction is not indicated. This fix, therefore, is long overdue.

Our second bill, the Hatch Act National Capital Region Parity Act, allows OPM to permit Federal employees who reside in the District to run as independent candidates in local partisan elections. Under the Hatch Act, Federal employees generally may not be candidates in partisan elections.

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

Mr. CLAY. I yield an additional minute to the gentlewoman.

Ms. NORTON. In the 1940s, Congress gave OPM the authority to exempt Federal employees living in towns in Maryland, Virginia, and the immediate vicinity of the District from the Hatch Act's prohibition on Federal employees running in partisan elections, so that towns with a high concentration of Federal employees would not be deprived by having a significant percentage of their residents unable to participate in local affairs.

However, OPM was not given the authority to exempt Federal employees living in D.C. because the city did not have local elections before the Home Rule Act of 1973. The Hatch Act Modernization Act includes these two bills and brings the District one step closer to equal treatment and self-government, and implements these and other commonsense revisions to the Hatch Act.

I applaud the chairman and the ranking member for the entire Act, and I thank them very much that our bills are included.

Mr. FARENTHOLD. Mr. Speaker, I have no other speakers at this time, and continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers on this bill. I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I'd like to take this one final opportunity to urge my colleagues to support the Hatch Act Modernization Act of 2012. We've heard from speakers on both sides of the aisle indicating some of the absurd results that we have seen as a result of this act, none more glaring than the officer whose canine partner, a Labrador named Haynes, was prohibited from running for office.

With that, and all the other examples, I think it's clear we need to support passage of S. 2170.

I see the chairman has asked for some time. If my colleague on the other side of the aisle doesn't object, I would like to yield 2 minutes to the chairman, Mr. ISSA.

Mr. ISSA. Mr. Speaker, I want to thank my colleagues on both sides of the aisle, particularly my friend, Mr. CLAY.

It is not often that we get to come here as a committee and talk about something that, in fact, affects perceived government cronyism and misconduct, a law that protects the American people against politics getting into your government, and then say, but we need to reduce it a little. We need to make it a little tighter.

This is an example where, as many of my colleagues have said, unintended consequences have made a good bill into a bill that stifles the opportunity and legitimate political activity that occurs by people serving in State and local office.

So I join with my colleagues on both sides of the aisle, with my good friend from the District of Columbia, and say this is the time in which we're making small technical changes that make a big difference to our political landscape around the country, and in a good way.

We want to make sure that we have the opportunity to have everyone participate, and I want to thank Members of both parties for bringing this bill. And I want to particularly thank my colleague, Mr. CUMMINGS, for his effort throughout the entire Congress to get us where we are here today.

Mr. FARENTHOLD. I do urge all Members to join me in support of this bill. I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 2170.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3564

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 ''Public Interest Declassification Board Reauthorization Act of 2012''.

SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting ''from the date of the appointment.''.

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.''.

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''2012.'' inserting ''2014.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1610

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members 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 Texas?

There was no objection.

Mr. FARENTHOLD. I yield myself such time as I may consume.

S. 3564, the Public Interest Declassification Board Act, reauthorizes the Public Interest Declassification Board, or PIDB, for an additional 2 years. Without congressional action, the PIDB will sunset on December 31, 2012.

The PIDB is an advisory committee tasked with improving and modernizing the process used to classify and declassify government information. The volume of classified information has skyrocketed in recent years, due to the rapid increase in electronic communications, as well as an institutional bias that prefers overclassification as a risk-avoidance strategy. Over classification can unduly hinder much-needed public transparency and the ability to rapidly share information across the government.

The chief goals of the PIDB are to help develop effective modern standards and processes for classification and declassification to address the problems by overclassification and promote the fullest possible public access to national security records through efficient and timely declassification systems. S. 3564 will further the cause of transparency by maintaining an expert advisory group to ensure the executive branch is classifying and declassifying records in a timely and responsible manner.

I reserve the balance of my time.

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

I rise in support of this important legislation. This bill renews the authorization of the Public Interest Declassification Board. The PIDB is an advisory committee whose purpose is to promote the fullest possible public access to significant national security decisions and activities. The PIDB advises the President on policies related to classification and declassification of national security information. The Board also advises the President on the declassification and release of classified records with historical value. The authorization for the PIDB is set to expire at the end of this month. It is important that we reauthorize the authority for this panel so that their important work is not jeopardized.

Just last month, the PIDB issued a report to the President, titled ''Transforming the Security Classification System.'' The report made a number of recommendations for improving the classification system. The report criticized our current system. It stated:

> We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems. Overcoming the entrenched practices that no longer serve the purpose of protecting our national security will prove difficult.

Transparency and access to information are essential tools for effective oversight of the executive branch. Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government's policies and activities. Reauthorizing the PIDB is critical to that effort, and I support this bill. I urge my colleagues to do the same.

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

Mr. FARENTHOLD. As we've heard, this bill promotes bipartisan-supported transparency in the government. I urge my colleagues to support the passage of the Public Interest Declassification Board Reauthorization Act of 2012, S. 3564, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 3564.

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. FARENTHOLD. 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.

GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

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 ''Government Employee Accountability Act''.

SEC. 2. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

Paragraph (1) of section 7501 of title 5, United States Code, is amended to read as follows:

''(1) 'employee' means—

''(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; or

''(B) a career appointee in the Senior Executive Service who—

''(i) has completed the probationary period prescribed under section 3393(d); or

''(ii) was covered by the provisions of subchapter II of this chapter immediately before appointment to the Senior Executive Service;''.

SEC. 3. INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) IN GENERAL.—Chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

''§ 7551. Definitions

''For the purposes of this subchapter—

''(1) 'employee' has the meaning given such term in section 7541; and

''(2) 'investigative leave' means a temporary absence without duty for disciplinary reasons, of a period not greater than 90 days.

''§ 7552. Actions covered

''This subchapter applies to investigative leave.

''§ 7553. Cause and procedure

''(a)(1) Under regulations prescribed by the Office of Personnel Management, an agency may place an employee on investigative leave, without loss of pay and without charge to annual or sick leave, only for misconduct, neglect of duty, malfeasance, or misappropriation of funds.

''(2) If an agency determines that such employee's conduct is serious or flagrant, the agency may place such employee on investigative leave under this subchapter without pay.

''(b)(1) At the end of each 45-day period during a period of investigative leave implemented under this section, the relevant agency shall review the investigation into the employee with respect to the misconduct, neglect of duty, malfeasance, or misappropriation of funds.

''(2) Not later than 5 business days after the end of each such 45-day period, the agency shall submit a report describing such review to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(3) At the end of a period of investigative leave implemented under this section, the agency shall—

''(A) remove an employee placed on investigative leave under this section;

''(B) suspend such employee without pay; or

''(C) reinstate or restore such employee to duty.

''(4) The agency may extend the period of investigative leave with respect to an action under this subchapter for an additional period not to exceed 90 days.

''(c) An employee against whom an action covered by this subchapter is proposed is entitled to, before being placed on investigative leave under this section—

''(1) at least 30 days' advance written notice, stating specific reasons for the proposed action, unless—

''(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

''(B) the agency determines that the employee's conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;

''(2) a reasonable time, but not less than 7 days, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

''(3) be represented by an attorney or other representative; and

''(4) a written decision and specific reasons therefor at the earliest practicable date.

''(d) An agency may provide, by regulation, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (c)(2).

''(e) An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701.

''(f) Copies of the notice of proposed action, the answer of the employee when written, and a summary thereof when made orally, the notice of decision and reasons therefor, and any order effecting an action covered by this subchapter, together with any supporting material, shall be maintained by the agency and shall be furnished to the Merit Systems Protection Board upon its request and to the employee affected upon the employee's request.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended by adding after the item relating to section 7543 the following:

''SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

''7551. Definitions.
''7552. Actions covered.
''7553. Cause and procedure.''.

SEC. 4. SUSPENSION OF SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 7543 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting ''misappropriation of funds,'' after ''malfeasance,''; and

(2) in subsection (b), by amending paragraph (1) to read as follows:

''(1) at least 30 days' advance written notice, stating specific reasons for the proposed action, unless—

''(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

''(B) the agency determines that the employee's conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;''.

SEC. 5. MISAPPROPRIATION OF FUNDS AMENDMENTS.

(a) REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE.—Section 3593 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting ''misappropriation of funds,'' after ''malfeasance,''; and

(2) in subsection (b), by striking ''or malfeasance'' and inserting ''malfeasance, or misappropriation of funds''.

(b) PLACEMENT IN OTHER PERSONNEL SYSTEMS.—Section 3594(a) of title 5, United States Code, is amended by striking ''or malfeasance'' and inserting ''malfeasance, or misappropriation of funds''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members 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 Texas?

There was no objection.

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

Earlier this year, the Committee on Government Oversight and Reform held a hearing concerning the wasteful spending that occurred during the planning and execution of the General Services Administration 2010 Western Regional Conference. As you may recall, the GSA spent more than $820,000 on a conference originally budgeted at $250,000. The GSA has no triggers or controls in place to stop this flagrant overspending. GSA employees, including Jeff Neely, a career member of the Senior Executive Service, failed to follow GSA policy, Federal procurement law, and basic common sense.

H.R. 6016 helps ensure Senior Executive Service, or SES, employees are held accountable for their actions. It allows an SES employee to be fired for misappropriation of funds and gives the agency head discretion to place an SES on unpaid leave, all while maintaining that employee's existing due process rights.

I'd like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.

I reserve the balance of my time.

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

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. I thank the gentleman, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

While I fully support the purpose and intent of this legislation to prevent misappropriation and misuse of taxpayer dollars, we need to be careful not to allow the bad actions of a few government employees to take away from the good work that our Federal workers do every day. I have the greatest respect and appreciation for our Federal workers, and I think we all need to be reminded that these men and women devote their professional lives to serving all Americans. This is especially important to note given all the recent legislation attacking these middle class Federal workers' pay and benefits. I believe in the importance of safeguarding taxpayer dollars and holding our public servants accountable. For this reason, I support this bill.

I reserve the balance of my time.

Mr. FARENTHOLD. At this time I yield such time as he may consume to my friend, colleague, and neighbor on the Government Oversight and Reform Committee, the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I do rise today in support of the Government Employee Accountability Act, H.R. 6016, and I thank the gentleman from Texas and the gentleman from Missouri (Mr. CLAY).

As a result of this, I think when we had that hearing last spring, both sides were outraged. I remember Chairman ISSA speaking out very strongly and also Ranking Member CUMMINGS speaking out very strongly. Because we truly are the stewards of the taxpayer money. And what we said at that time was that we're going to get to the bottom of this, and we're going to find out how this happened and why it happened. When I got back to my office, our switchboard was lighting up and people from back home in western Pennsylvania said, Why is this happening?

I stress exactly what you said—we have a lot of wonderful people working very hard for this country, for this government, and we don't want to paint them all with the same brush. But by the same token, when there is some wrongdoing, it is up to us in the Congress to step forward and do things that make sense.

□ 1620

So this is just a commonsense solution to a situation that has to be addressed. I would say that working together, this is a bipartisan effort to make sure that we have great accountability for those taxpayer dollars that are being spent.

This piece of legislation, as it goes forward today—let's make sure that we understand this—these are the senior executives, these are the creme de la creme, these are the top people that we rely on. That Western Region Conference, as Mr. FARENTHOLD pointed out, was $600,000 over budget, and at some point you've got to wonder why. When we asked the GSA, when we asked Ms. Johnson, Why is Mr. Neely on leave with pay, she said, Well, we don't have any mechanism to prevent that from happening; we don't have the tools to do that. So what we said was, let's go back into the regular world, let's go back into commonsense rules and let's give them a tool to use that makes sense for the American people.

So, I applaud what you're saying, Mr. CLAY. It's nice working with you on this. I want to especially thank the committee. We did work very hard on this to come up with something that makes sense for America and makes sense also for the people that work for us. So I thank you.

Mr. CLAY. I continue to reserve.

Mr. FARENTHOLD. At this point, Mr. Speaker, I yield 2 minutes to the chairman of the Transportation and Infrastructure Committee and my colleague on the Government Oversight and Reform Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding. I thank him for his leadership. Particularly, I want to thank Mr. KELLY for his perseverance, his introduction and sponsorship of H.R. 6016, and encourage my colleagues to support that legislation today.

Most often when you hear about scandals in the Federal Government, there's a little bit of a flurry and then not much is done. Mr. KELLY has stepped forward and introduced legislation that will correct one of the most egregious actions against the Federal taxpayer that we've seen.

Our committee, the Transportation Committee, does oversee the General Services Administration. Within that agency, we heard about the conduct of one senior executive employee, the Senior Executive Services, one of the highest levels of administration in our government. That person thumbed his nose in a hot tub at the taxpayers, at the Congress, and at everyone else.

Today, this is taxpayers' revenge. This is a little gift hopefully we can put under the Christmas tree for the taxpayers so that people in those positions will not receive their pay and can be removed from office. We had to change the law—and we will change the law—to make certain that people who are supposed to be good stewards of the taxpayer dollars are held accountable. So I thank everyone in a bipartisan manner in bringing this legislation forward and strongly support its adoption.

Mr. CLAY. At this time I have no further speakers, and I yield back the balance of my time.

Mr. FARENTHOLD. As we have heard from both sides of the aisle, this is a bill designed to prevent the worst kind of overspending, one of the worst examples that we've seen.

I understand Mr. CLAY and agree with his concerns that we cannot violate the due process rights of government employees. We've worked to protect that, but we've also worked very hard to do the job that we were elected to do, and that is to be good stewards of the taxpayers' money. This bill, the Government Employees Accountability Act, H.R. 6016, Mr. KELLY's bill, does just that; and I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6016, 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. FARENTHOLD. 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.

NELSON ''MAC'' MACWILLIAMS POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4062

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

SECTION 1. NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Nelson 'Mac' MacWilliams Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4062.

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

There was no objection.

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

H.R. 4062, introduced by the gentleman from California (Mr. HUNTER), would designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the Nelson ''Mac'' MacWilliams Post Office Building. The bill was introduced on February 16.

Mr. Speaker, Mr. MacWilliams served in the U.S. Navy for 22 years and retired as a Navy chief in 1999. Upon returning to civilian life, he was a small business owner.

Mr. MacWilliams served his community in San Diego in many ways, including with the Ramona Chamber of Commerce. He is responsible for assisting local fire victims and military personnel in Mr. HUNTER's district office. Sadly, nearly a year ago, on December 20, 2011, Mr. MacWilliams passed away. He is remembered fondly by his wife, brother, sons, daughters, and several grandchildren.

Mr. Speaker, Mr. MacWilliams is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4062, to designate the facility of the U.S. Postal Service located at 1444 Main Street in Ramona, California as the Nelson ''Mac'' MacWilliams Post Office Building.

The bill before us was introduced by Representative DUNCAN HUNTER. Nelson MacWilliams graduated from Calverton High School in Huntington, Maryland. Nelson MacWilliams would attend Salisbury State University in Salisbury, Maryland, before enlisting in the U.S. Navy in 1977. Upon his retirement from the Navy, he would begin serving his community in California.

His work with the Ramona Chamber of Commerce would establish him as a respected member within the community. He was called on by Representative HUNTER to help small businesses within the community. His tireless efforts would help local small businesses succeed in cutting bureaucratic red tape.

Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I'd like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from Texas. And my good friend from Missouri, thank you for your kind words about Mac—Nelson ''Mac'' MacWilliams. See, he passed away about a year ago on December 20, 2011, in an unfortunate car accident that cost him his life on one of the most dangerous roads in San Diego County. He was a dedicated public servant, proud Navy veteran, an all-around great guy to be around.

San Diego is not just the city part where there's the ocean and the beach. There's the back country in San Diego. You have small towns like Ramona where everybody knows each other. There is literally a place called Cheers. It's a bar in Ramona where everybody does know your name. You could find Mac there after work on Sundays.

He was a member of the VFW. Like my friend said, he was in the Navy from 1977 to 1999, where he became a Navy chief. Anybody who knows the Navy or knows the U.S. military, they understand that the Navy runs on its chiefs. The chiefs are the ones that actually get things done, the ones that you look to when you need to cut through the red tape and cut through the bureaucracy.

Mac was also a member of the Veterans of Foreign Wars Post 7783 in Ramona, California. It was because of their request, along with others in Ramona, that I introduced this bill to name the post office in Ramona for Mac.

When the devastating wildfires hit San Diego in 2007, Mac answered the call to service again, working tirelessly helping victims get assistance to rebuild their homes. As we can see from Hurricane Katrina or Hurricane Sandy, when natural disasters happen, the bureaucracy is sometimes hard to get through, but Mac specialized at that as a Navy chief.

□ 1630

He did the same thing working as the executive director of the Ramona, California, Chamber of Commerce for 4 years. In his position, he advocated for businesses and built lasting relationships across the region.

But Mac wasn't a big business guy. He came out of the Navy. The reason he was chosen for that position was because he was great to be with, he knew how to get along with people of differing views and ideologies, and he simply knew how to get things done.

The VFW said in their letter:

> One of Mac's traits was that he was always ''on duty.'' There was never a problem too small which did not dictate 100 percent effort to have it corrected.

In fact, on the day he died, Mac was coming into my office because he was in the middle of some casework for a constituent and didn't want to wait until he got back from Christmas vacation.

At his funeral, one of my constituents and VFW Post member, Dale Smith, described Mac by saying:

> Mac was a gentle, intelligent individual and a ''get-it-done'' kind of guy, no matter what obstacles stood in his way.

He was a proud veteran and public servant who served his country in the Navy and served the people in his community on veterans and military issues. He had a profound impact on his community and deserves recognition for his contributions, and naming the post office for him in the community he did so much for is a fitting way to commemorate his memory.

Mr. CLAY. Mr. Speaker, I have no further speakers. I urge my colleagues to join the entire House in honoring this great American, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I, too, urge my colleagues to support H.R. 4062, the Nelson ''Mac'' MacWilliams Post Office Building naming, and yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4062.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6587

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

SECTION 1. POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, shall be known and designated as the ''Postal Inspector Terry Asbury Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Postal Inspector Terry Asbury Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. 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 the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman.

Mr. Speaker, I rise today in support of my legislation, H.R. 6587, to the designate the United States Postal Service facility located at 225 Simi Village Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

Terry Asbury was born in Superior, Wisconsin, in 1950. Shortly after turning 18, he joined the United States Army and served multiple tours in Vietnam. After being honorably discharged in 1971, Terry began his career in the United States Postal Service. He worked out of the Van Nuys facility, starting as a mail clerk and handler before moving up all the way to U.S. postal inspector in 1986.

On Saturday, January 30, 1990, Inspector Asbury was returning in his vehicle after conducting an investigation in the Los Angeles area when his vehicle was struck head-on by a van towing a boat and a trailer. Four days later, on February 3, he succumbed to his injuries, passing away at the early age of 39.

He was a loving husband and an exceptional person who went out of his way to help others and make the world a better place to live. I cannot see a more fitting way to memorialize a great American and resident of my hometown in Simi Valley, California, than to dedicate this post office in his honor.

Mr. Speaker, I thank Chairman ISSA, Ranking Member CUMMINGS, and the others for allowing me to bring this bill to the floor today in such a quick fashion, and I urge my colleagues to support this legislation.

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

As a member of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues in the consideration of H.R. 6587, to designate the facility of the U.S. Postal Service located at 225 Simi Valley Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

I want to thank Representative GALLEGLY, on November 13, 2012, for introducing this bill. Inspector Asbury diligently served the U.S. Postal Service as postal inspector for 4 years when he was tragically killed while conducting an investigation.

In remembrance of Inspector Asbury for his tireless work and dedication to service, I urge my colleagues to pass this bill.

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

Mr. FARENTHOLD. Mr. Speaker, I urge all the Members to support the passage of H.R. 6587. I can think of no more fitting a way to honor Postal Inspector Asbury than naming this building after him.

I do urge all Members to support passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6587.

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. FARENTHOLD. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

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. 6655, by the yeas and nays;

S. 3564, by the yeas and nays;

H.R. 6016, by the yeas and nays.

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

PROTECT OUR KIDS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, 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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 330, nays 77, not voting 24, as follows:

[Roll No. 636]

YEAS—330

Ackerman	Bass (NH)	Brady (TX)
Adams	Becerra	Braley (IA)
Aderholt	Berg	Brown (FL)
Alexander	Berkley	Buchanan
Altmire	Berman	Bucshon
Amodei	Biggert	Burton (IN)
Andrews	Bilirakis	Butterfield
Austria	Bishop (GA)	Calvert
Bachmann	Bishop (NY)	Camp
Bachus	Black	Canseco
Baldwin	Blumenauer	Cantor
Barber	Bonamici	Capito
Barletta	Bonner	Capps
Barrow	Boren	Capuano
Barton (TX)	Boustany	Carnahan
Bass (CA)	Brady (PA)	Carney

Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Goodlatte
Granger
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hultgren
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—77

Akin
Amash
Benishek
Bishop (UT)
Blackburn
Brooks
Broun (GA)
Buerkle
Burgess
Campbell
Carter
Chabot
Chaffetz
Conaway
Cravaack
Culberson
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Flake
Fleischmann
Fleming
Flores
Foxx
Gardner
Garrett
Gosar
Gowdy
Graves (GA)
Graves (MO)
Harris
Hensarling
Huelskamp
Huizenga (MI)
Hunter
Jordan
Kingston
Labrador
Lamborn
Landry
Lankford
Lummis
Manzullo
Marchant
Massie
McClintock
McHenry
Miller (FL)
Mulvaney
Myrick
Neugebauer
Olson
Palazzo
Paul
Pompeo
Price (GA)
Quayle
Rohrabacher
Rokita
Ross (FL)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Southerland
Stearns
Stutzman
Thornberry
Walsh (IL)
Westmoreland
Woodall
Young (AK)

NOT VOTING—24

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Gingrey (GA)
Gohmert
Gonzalez
Holden
Johnson (IL)
King (IA)
LaTourette
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pence
Reyes
Richardson
Scott (VA)
Shuler
Stark
Waxman

□ 1659

Messrs. KINGSTON, MILLER of Florida, HUELSKAMP, GARDNER, GOSAR, HUNTER, GARRETT, SENSENBRENNER, AKIN, MANZULLO, BENISHEK, CRAVAACK, OLSON, BURGESS, SCHILLING, POMPEO, MARCHANT, and ROKITA changed their vote from ''yea'' to ''nay.''

Mr. CANSECO changed his vote from ''nay'' to ''yea.''

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.

PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes, 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 Texas (Mr. FARENTHOLD) 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 409, nays 1, not voting 21, as follows:

[Roll No. 637]

YEAS—409

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
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

Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—1

Young (AK)

NOT VOTING—21

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Cole
Gohmert
Gonzalez
Johnson (IL)
LaTourette
Luján
Mack
McKinley
Mica
Murphy (CT)
Nunnelee
Pence
Reyes
Shuler
Stark
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1706

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.

GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, 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 Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 638]

YEAS—402

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
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
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Matsui
Moran

NOT VOTING—27

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Brooks
Burton (IN)
Cantor
Dicks
Gonzalez
Johnson (IL)
LaTourette
Luján
Mack
McKinley
Mica
Murphy (CT)
Nunnelee
Pence
Reyes
Ross (AR)
Shimkus
Shuler
Stark
Turner (NY)
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1713

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.

The title was amended so as to read: ''A bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to make votes the evening of Wednesday, December 19, 2012 due to my attendance of a funeral. Had I been present, I would have voted "yea" on rollcalls 637 and 638.

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.

MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3197

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

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SPOKANE, WASHINGTON.

The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

□ 1720

Mr. MILLER of Florida. I yield myself such time as I may consume.

H.R. 3197 would rename the medical center in Spokane the Mann-Grandstaff Department of Veterans Affairs Medical Center. This legislation would recognize not one but two American heroes, both Medal of Honor recipients: Private First Class Joe Eugene Mann and Platoon Sergeant Bruce Alan Grandstaff. Their story is nothing less than heroic.

Private First Class Mann served in the 101st Infantry Division of the U.S. Army during World War II.

On September 18, 1944, while under heavy fire, he crept into range of the enemy's artillery position and was able to destroy key weaponry. Though wounded four times, he refused medical evacuation in order to remain with and stand guard over his platoon throughout the night. During an attack the next morning, PFC Mann selflessly threw himself on top of a live grenade, sacrificing his own life to save those of his fellow soldiers around him.

He was posthumously awarded the Medal of Honor for his bravery on August 30, 1945.

Platoon Sergeant Grandstaff served in the Eight Infantry Regiment, Fourth Infantry Division during the Vietnam War.

On May 18, 1967, a weapons platoon he was leading came under attack. Though he was under heavy enemy fire from three directions, Platoon Sergeant Grandstaff raced to the aid of several of his fellow soldiers who had been wounded, saving the life of one. Seriously wounded himself and unable to maneuver around the enemy onslaught, he refused medical aid and continued to defend his position fiercely. At one point, he was able to crawl to within ten meters of an enemy machine gun and destroy it with hand grenades, saving countless lives. Platoon Sergeant Grandstaff eventually succumbed to his wounds in the battlefield.

He was also posthumously awarded the Medal of Honor for his bravery on that day.

Together, Private First Class Mann and Platoon Sergeant Grandstaff are examples of the best, the most courageous, and the most giving and selfless parts of the American spirit. To have the VAMC in their home state of Washington bear their names is a proper and befitting honor.

H.R. 3197 has received the unanimous support of Washington's Congressional delegation and major veterans service organizations (VSOs).

Among the many Washington State VSOs who have provided letters of support of this legislation are: the Veterans of Foreign Wars of the United States Department of Washington, the American Legion Department of Washington, the American Veterans (AMVETS) Department of Washington, the American Ex Prisoners of War Department of Washington, the Disabled American Veterans Department of Washington, the Fleet Reserve Association Northwest Region, the Washington State Gold Star Mothers, the Gold Star Wives of America Northwest Region, the Department of Washington Marine Corps League, the Washington State Military Officers Association of America, and the Blue Star Mothers of Washington.

Further, the Congressional Budget Office, in a preliminary cost estimate, has assured me that H.R. 3197 represents only a minimal cost of less than five hundred thousand dollars to the federal Government.

At this time I yield such time as she may consume to the sponsor of this particular piece of legislation, the chairwoman of the Republican Conference, the gentlelady from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3197, naming the Veterans Affairs Medical Center in Spokane, Washington, after two of our local eastern Washington heroes the Mann-Grandstaff Department of Veteran Affairs Medical Center. Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff are heroes from eastern Washington who gave their last full measure of devotion to our Nation. Both men have been awarded the Medal of Honor for their bravery in World War II and the Vietnam War, respectively.

After graduating from high school in Reardan, Washington, Private First Class Joe E. Mann, like two of his brothers, joined the Army and trained at Fort Lewis in Washington State. Two years after enlisting, PFC Mann was on the front lines in Best, Holland, where his platoon was surrounded. In the face of heavy fire, PFC Mann was able to destroy an ammunition dump and took out numerous enemy troops. Despite being wounded four times, including both arms, PFC Mann refused to be evacuated and instead remained with his platoon and stood guard that evening. The following morning, the enemy attacked, throwing hand grenades as they approached. A grenade landed within a few feet of PFC Mann. Unable to raise his bandaged arms, PFC Mann yelled, Grenade, and threw his body on top of it. Saving his fellow soldiers, PFC Mann died moments after the explosion. For this act of gallantry, PFC Mann was awarded the Congressional Medal of Honor.

Born and raised in Spokane, Washington, Platoon Sergeant Bruce A. Grandstaff graduated from North Central High School in 1952, and enlisted in the Army a few years later. In 1966, he volunteered for duty in Vietnam. On May 18, 1967, Platoon Sergeant Grandstaff was leading a weapons platoon when it came under attack. Despite taking heavy fire from three directions, he raced into the intense fire to aid his men. Surrounded by 700 enemy troops during a 5-hour siege and being wounded in both legs, Platoon Sergeant Grandstaff continued to fight and encourage his men. Realizing that his position was being overrun, he asked for artillery fire on his exact location, knowing full well it would result in his death.

His heroic actions that day immediately saved at least eight of his fellow brethren and saved many others by alerting them of the enemy's bunkered location. At the time of his death, he had already been awarded the Silver Star for courage and valor in battle. For his gallantry that day in May, Platoon Sergeant Grandstaff was posthumously awarded the Congressional Medal of Honor.

Private First Class Mann and Platoon Sergeant Grandstaff are heroes, willing to sacrifice their own lives in order to protect their fellow soldiers. Their selfless advancement of freedom, liberty, justice, and democracy is truly humbling. I am honored to represent the legacy both men left behind for eastern Washington and our Nation.

Mr. Speaker, I urge all of my colleagues to join in honoring these two eastern Washington heroes, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff, and to support H.R. 3197.

Mr. MICHAUD. I yield myself such time as I may consume.

I rise today to offer my support of H.R. 3197, a bill to name the Department of Veterans Affairs Medical Center in Spokane, Washington, the Mann-Grandstaff Department of Veterans Affairs Medical Center.

Private First Class Joe Mann served with the 101st Airborne division during World War II. He lost his life in the Netherlands, courageously absorbing the blast of a hand grenade with his body to protect those around him while in battle. Later, in 1954, Private First Class Mann received the Medal of Honor.

Platoon Sergeant Bruce Grandstaff also received the Medal of Honor after his death. Having served in Vietnam, Sergeant Grandstaff found his platoon

surrounded by the enemy near the Cambodia border and crawled through the front lines to save his comrades. Despite his wounds, he was able to notify the U.S. helicopters of their location and valiantly called for artillery in order to prevent the enemy from advancing.

Private First Class Mann and Sergeant Grandstaff went above and beyond the call of duty and made the ultimate sacrifice for our Nation. It is most appropriate that the VA Medical Center in Spokane be renamed in honor of these two heroes.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I do also want to thank the sponsor of this legislation, Mrs. MCMORRIS RODGERS. She's the wife of a retired Navy commander, and she herself has proven to be a strong and steadfast advocate for veterans in Washington and around this country.

I also want to say thanks to my good friend, the new ranking member, MIKE MICHAUD, for his leadership in helping to move this legislation to the floor. He's been an active and valuable member of our committee since his first days in Congress almost a decade ago, and he himself has proven himself time and time again a strong voice for America's veterans.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous materials on H.R. 3197.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 3197, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 3197.

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. MICHAUD. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

WILLIAM ''BILL'' KLING VA CLINIC

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6443

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

SECTION 1. WILLIAM "BILL" KLING VA CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall be known and designated as the ''William 'Bill' Kling VA Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''William 'Bill' Kling VA Clinic''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us would name the VA community-based outpatient clinic in Sunrise, Florida, the William ''Bill'' Kling VA Clinic. William, better known as Bill, served as a Navy radar technician during the Second World War.

When he moved to Plantation, Florida, in 1973, Bill continued his service—this time as an advocate for his fellow veterans. He spent eight years as Florida's Commissioner of Veterans Affairs and twenty-seven years as the President of the Broward County Veterans Council. Bill was also a proud and active member of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Jewish War Veterans of the United States.

In each of those capacities, he worked tirelessly to ensure that the struggles and triumphs of veterans in Broward County, in Florida, and around the county were properly recognized and respected.

He was instrumental in the opening of a VA CBOC in Oakland Park more than two decades ago and, when that facility became unserviceable, played an active role in relocating it to Sunrise.

Thanks in part to his efforts, the Broward County CBOC reopened in Sunrise in 2008 and has been helping to improve the health and daily lives of Broward County veterans each day since.

Today, the entrance to that ninety-eight thousand square foot clinic bears a plaque dedicated to Bill.

Given the leadership he has unquestionably shown on behalf of his fellow veteran Floridians, it is only proper that that facility should now also bear his name.

H.R. 6443 has received the unanimous support of Florida's Congressional delegation and Florida's major veterans service organizations (VSOs).

Among the VSOs who have provided letters of support in favor of this legislation are: the Vietnam Veterans of America Florida State Council, the American Legion Department of Florida, and the Jewish War Veterans of the United States.

□ 1730

Mr. Speaker, at this time I have no further speakers, but I do want to reserve the balance of my time so the gentleman from Maine can recognize the sponsor of the legislation.

Mr. MICHAUD. Mr. Speaker, I would now like to yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) such time as she may consume.

Ms. WASSERMAN SCHULTZ. I thank the gentleman. I thank both gentlemen.

I rise to offer H.R. 6443, a bill that will designate the Department of Veterans Affairs health clinic located at 9800 West Commercial Boulevard in the city of Sunrise, Florida, as the William ''Bill'' Kling VA Clinic. I offer this bill, along with the entire Florida House delegation, to honor a beloved member of our south Florida veterans' community, William ''Bill'' Kling, who passed away, sadly, on August 6 at age 84.

My deepest appreciation goes out to the Committee on Veterans' Affairs and Chairman MILLER, who is a good friend from the great State of Florida, for supporting this effort and helping it to come to the floor.

Bill was a member of our greatest generation of Americans, serving our Nation as a radar technician for the Navy during World War II. But Bill's service to our Nation was far from over when he returned from war. In fact, it was just beginning.

Bill Kling became a national leader and one of the strongest advocates for our Nation's veterans. He was dedicated to helping generations of veterans as they returned to civilian life. He worked tirelessly to make sure our veterans were getting the benefits they deserved, from education under the GI Bill to quality health care through our VA system.

I'm sure my Florida colleagues will agree that Bill was a force to be reckoned with, ever brightening our congressional doorways, pushing the urgency of the issue at hand.

I know we are all grateful for the remarkable legacy he leaves behind, and he will be sorely missed. In particular, my thoughts and prayers go out to Bill's family, including his children, Marsha Mittentag and Steven Kling.

I had the distinct pleasure, Mr. Speaker, of working with Bill for the last 23 years and have witnessed firsthand the many ways he helped thousands of veterans in Florida. I'm also proud to have called him my friend. For the past 7 years, Bill served as the chair of my Military Academy Nominations Board, where he helped the next generation of military leaders realize their dream of serving the country they love.

For 8 years he served on the Florida Commission on Veterans' Affairs, and for the past 27 years, as you've heard, he was the president of the Broward

County Veterans Council. He also led the Jewish War Veterans and was a member of the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans.

The list of superlatives for Bill is long and shows him as the great American that he was. Bill was inducted into the Broward Senior Hall of Fame, received the Humanitarian of the Year award from the Dolphin Democrats, and changed the scope of veterans' services in south Florida.

In particular, he helped bring the Alexander ''Sandy'' Nininger Veterans' Nursing Home to Pembroke Pines in 2001 and worked with other veterans to create the South Florida National Cemetery in Palm Beach in 2007.

One of Bill's greatest accomplishments and lasting legacies was ensuring that veterans would have easy access to quality medical care. Bill noticed that too often veterans in Broward County had to travel too far to go to a VA facility to get the care they needed. With that in mind, he helped open the Oakland Park VA outpatient clinic more than two decades ago. When the building the clinic occupied began deteriorating, Bill worked to open a brand new facility. Even though this effort took years, Bill kept a smile on his face and kept working to overcome every obstacle because that's just how Bill Kling operated.

So in 2008, a new 98,000-square-foot clinic opened in Sunrise, and fittingly on Bill's birthday. I think it's fair to say that without Bill Kling this wonderful center that serves thousands of our veterans each year might not exist.

With that in mind, my good friend and colleague, Congressman TED DEUTCH, and I and the rest of the delegation offer this legislation today which will rename the Broward outpatient clinic as the William ''Bill'' Kling VA Clinic. This is such a fitting way to memorialize and thank Bill Kling. With passage of this bill, every veteran who walks through the doors of the Broward VA Clinic will know the name of the man who did so much for so many.

Mr. Speaker, I urge my colleagues to support passage of this legislation so we may pay tribute to a great American, William ''Bill'' Kling.

Mr. MILLER of Florida. I am grateful to my good friend from Florida (Ms. WASSERMAN SCHULTZ) for bringing this legislation to the floor and honoring such a fine gentleman. I also again want to thank the ranking member for helping us work so quickly to bring this legislation to the floor.

I would also note that, in closing, a preliminary cost estimate provided by CBO, H.R. 6443 represents only a minimal cost to the Federal Government.

With that, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I now would yield 3 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend from Maine.

I rise today and urge unanimous support for H.R. 6443, to designate the Department of Veterans Affairs facility in Sunrise as the Bill Kling VA Clinic.

Naming this clinic after Bill Kling is more than a way to honor the memory of a great man. It's a most fitting way to acknowledge one of Bill's greatest accomplishments as a tireless advocate for south Florida's veterans.

Because of Bill Kling, Florida's veterans are better cared for. Year after year he fought for the benefits that our veterans so rightfully earned during their service, including education under the GI Bill and health care through the VA.

His achievements were many, but it was the opening of the clinic in Sunrise that Bill was the most proud of. He had previously assisted with the establishment of an outpatient clinic in Oakland Park. As the years passed and the facility was no longer suitable to care for the veterans, he started on what would be a 13-year project of establishing a new facility. After years of obstacles, the clinic opened in 2008 on his birthday. He commented at the time that the fight was not for a building, the fight was for better health care for our veterans. Now, thanks to Bill Kling and thanks to his vision, veterans in south Florida have a local VA health care facility available to them. The veterans from the west side of the county are able to receive medical assistance without the burden of having to travel long distances.

I urge my colleagues to join me in renaming this clinic in his honor. Every veteran cared for in this clinic is part of Bill's lasting legacy. I'm humbled to remember him today not just as a community leader but as a friend. I commend Congresswoman WASSERMAN SCHULTZ, my good friend and colleague, for her introduction of this bill and her comments honoring the memory of Mr. Kling. He truly was caring and compassionate, a loyal person and a loyal friend. He made everyone who crossed his path feel as though they were the most special person he knew.

Finally, Mr. Speaker, when we announced the legislation to rename this facility at the facility there were some veterans standing out in front waiting to go in. They asked what the hubbub was about, and they asked why all the TV cameras, and I explained to them who Bill Kling was and why this was being done. They were grateful for the opportunity to know, and now veterans just like those veterans, when they walk through the front door, will learn not only about Bill Kling but will learn of his example as a veteran for continuing to work hard every single day for his fellow veterans. What a great honor we're bestowing on his family by honoring his memory in this way.

Again, I urge my colleagues to unanimously support H.R. 6443, honoring this late, great American.

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

I rise today to offer my support of H.R. 6443, a bill to designate a Department of Veterans Affairs facility in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic.''

Mr. Kling was a World War II veteran, having served as a radar technician in the United States Navy.

He went on to serve as a staunch advocate for the veterans of Florida, including: 27 years as President of the Broward County Veterans Council, 8 years as Florida's Commissioner of Veterans Affairs, and Memberships with The American Legion, Veterans of Foreign Wars, Jewish War Veterans and Disabled American Veterans.

Mr. Kling fought for greater access to healthcare for his fellow veterans, which after 13 years of advocacy, led to the opening of this facility in Sunrise in 2008.

Moreover, Mr. Kling was also a key player in the opening of the South Florida National Cemetery in 2007 and the State Veterans Nursing Home in Pembroke Pines in 2001.

While Mr. Kling is no longer with us, his tireless advocacy on behalf of our Nation's veterans lives makes him the perfect candidate for the naming of the VA clinic in Sunrise.

Before yielding back my time, I'd also like to thank Chairman MILLER and your entire staff for working with the minority staff to bring these two bills before the House. But I also want to thank you for your friendship and your guidance over the years as we both served on the Veterans' Affairs Committee. I look forward to my new role as the ranking member of the Veterans' Affairs Committee and look forward to working with you and your staff as well.

I want to thank you for your strong advocacy for our veterans. That's one of the reasons why I think we work very well together—we have a common goal, a common purpose to help our veterans and their families out. So I want to thank you and look forward to working with you in the upcoming Congress as well as the remainder of this Congress.

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

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend and add any extraneous material for H.R. 6443.

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

There was no objection.

Mr. MILLER of Florida. I appreciate the kind remarks by my good friend, the ranking member of the Veterans' Affairs Committee. I once again encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6443.

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. MICHAUD. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1740

HOUR OF MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. CANSECO). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6379

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

SECTION 1. REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, shall be known and designated as the ''Representative Curtis B. Inabinett, Sr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Representative Curtis B. Inabinett, Sr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6379.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 6379, introduced by the gentleman from South Carolina (Mr. CLYBURN), would designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office. This bill was introduced on September 12.

Mr. Speaker, Mr. Inabinett is a longstanding and faithful citizen of South Carolina. He was born there in 1931 and attended grade school, college, and graduate school in the State. Later, he taught at Baptist High School in Charleston County and was appointed to the Charleston County Election Commission. He became the mayor of Ravenel, South Carolina, and joined the South Carolina House of Representatives where he served until 2001.

Mr. Speaker, Representative Inabinett is a worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in a bipartisan way in the consideration of H.R. 6379 to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office.

I am pleased to yield 5 minutes to the distinguished assistant Democratic leader, Congressman CLYBURN from the great State of South Carolina, for as much time as he may consume.

Mr. CLYBURN. Mr. Speaker, I thank the gentlelady from New York for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 6379, naming the post office in Ravenel, South Carolina, after Representative Curtis B. Inabinett, Sr.

I want to thank my colleagues in the South Carolina congressional delegation for their support of this bill.

Curtis Inabinett was born in Islandton, South Carolina, to Cornelius Benjamin Inabinett and Eula Lee Stephens-Inabinett. When Curtis was 11, his father passed away, leaving Curtis, as the oldest of 11 siblings, to shoulder the responsibility of helping to manage the family farm and look after his younger brothers and sisters.

Curtis attended South Carolina State College, and after several years in the United States Army, he became a teacher at Baptist Hill High School in Charleston County, South Carolina, where he taught for 13 years. He then became the principal of R D Schroder Middle School, a position he held until his retirement in 1989.

His commitment to public service went beyond his passion for education. He and I got started in politics around the same time when he was appointed as the first African American on the Charleston County Election Commission. Later, Curtis would win a seat on the Ravenel Town Council, and in 1982, he became the first African American mayor of Ravenel.

In 1991, Curtis was elected to the South Carolina House of Representatives. He retired from the State house in 2000. Following the 2001 settlement of a redistricting lawsuit, Curtis became one of three African Americans who won seats on the Charleston County Council, where he served until 2011.

Throughout his tenure representing his hometown of Ravenel, whether as its mayor, its State representative, or on the county council, Curtis has been a fierce advocate for the needs of his community. He has broken down barriers throughout his life, and I'm sure the town of Ravenel will be proud to be the home of the Representative Curtis B. Inabinett, Sr. Post Office.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, as the gentleman from South Carolina has so eloquently put it, this is a fine, fine gentleman, well deserving of having this postal facility named after him. I urge all Members to support passage of H.R. 6379 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6379.

The question was taken.

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

Mrs. MALONEY. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SIDNEY ''SID'' SANDERS MCMATH POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3869

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

SECTION 1. SIDNEY "SID" SANDERS MCMATH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, shall be known and designated as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to

be a reference to the ''Sidney 'Sid' Sanders McMath Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1750

GENERAL LEAVE

Mr. FARENTHOLD. 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 the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 3869, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the Sidney ''Sid'' Sanders McMath Post Office Building. The bill was introduced on February 1 and was reported from the Government Oversight and Reform Committee on February 7.

Mr. Speaker, Sid McMath was a prosecuting attorney, a decorated United States Marine officer, and the 34th Governor of the great State of Arkansas. As a Marine officer, he received the Legion of Merit Silver Star for his heroic leadership during World War II. As Governor, McMath championed several infrastructure improvements to benefit his State. This included the paving of primary roads and expanding rural electrification.

McMath unfortunately died in his home in Little Rock, Arkansas, on Saturday, October 4, 2003. He was given a full military funeral by the U.S. Marine Corps Honor Guard.

Mr. Speaker, Mr. McMath is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

With that, I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3869, to designate the facility of the U.S. Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building.''

The bill before us was introduced by Representative TIM GRIFFIN on February 1, 2012. In accordance with committee requirements, H.R. 3869 is cosponsored by all members of the Arkansas delegation and was reported out of the Oversight Committee by unanimous consent on June 27, 2012.

As a former two-term Governor for Arkansas, Sidney Sanders McMath started his career as an enlisted officer with the U.S. Marine Corps. Having fought in the battle for the Solomon Islands in World War II, Mr. McMath would earn the rank of lieutenant colonel for his courageous efforts in the war. When he retired from the U.S. Marine Corps, his rank was major general.

A decorated war hero, McMath would return to his hometown of Hot Springs in time to be elected as a local prosecutor. Earning a reputation as a reformer, he worked tirelessly to rid the local government of corruption. His noble actions and hard work would carry him to victory in the 1948 election to become Governor of Arkansas. Leading the way as a reformist in all manners, McMath fought for civil rights for African Americans and modernized the Arkansas transportation infrastructure.

His hard work and determination have cemented his legacy in Arkansas's history. To commemorate Sidney ''Sid'' Sanders McMath, I ask that we pass the measure before us, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock as the Sidney ''Sid'' Sanders McMath Post Office Building.

Sid McMath is one of Arkansas's finest sons, and he dedicated his life to serving Arkansas and our country. He was the 34th Governor of Arkansas and served as a U.S. Marine in World War II. He received the Silver Star for his valor during the Battle of Piva Forks.

Sid McMath was born in Columbia County, Arkansas, on June 14, 1912. In high school, he was a skilled boxer and won the State Golden Gloves title. He worked his way through college at the University of Arkansas by waiting tables, washing dishes, and fighting in exhibition boxing matches. After college, he served as a United States Marine during World War II where he distinguished himself in combat and earned the Silver Star and the Legion of Merit.

In 1948, Sid McMath was elected as the 34th Governor of Arkansas, serving from 1949 to 1953. As Governor, he was a staunch advocate for civil rights, fighting to uphold voting rights for all Americans and working to abolish the poll tax.

After serving as Governor, he continued his service to his Nation as a member of the Marine Corps Reserve, rising to the rank of major general. In 1967, he founded the Marine Corps Junior ROTC at Catholic High School for Boys in Little Rock. Many of the cadets known as ''Sid's Kids'' have followed his example by serving our country.

Governor McMath passed away in 2003 at the age of 91 in Little Rock. His autobiography, ''Promises Kept,'' was posthumously awarded the Arkansas Historical Association's highest accolade, the John G. Ragsdale Prize.

Today we honor Sid McMath's dedication and service to his State and Nation by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join with Representative GRIFFIN in urging all of our Members to support this bill in the naming of the Sidney ''Sid'' Sanders McMath Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3869.

The question was taken.

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

Mrs. MALONEY. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ELIZABETH L. KINNUNEN POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3378

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

SECTION 1. ELIZABETH L. KINNUNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, shall be known and designated as the ''Elizabeth L. Kinnunen Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Elizabeth L. Kinnunen Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material to the RECORD regarding H.R. 3378.

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

There was no objection.

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

H.R. 3378, introduced by the gentleman from Michigan (Mr. BENISHEK), would designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

This bill was introduced November 4, 2011, and reported from the Government Oversight and Reform Committee on February 7, 2012.

Mr. Speaker, Elizabeth Kinnunen was a strong pillar of her community in Munising, Michigan. She and her husband, Oscar, operated a boarding house in Marquette, Michigan, and together they raised 11 children. Two of their sons fought bravely for their country and tragically gave their lives. Her son Eiso was killed in action during World War II. Her son Raymond was killed during the Korean war.

□ 1800

Mr. Speaker, Mrs. Kinnunen is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

As a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

The bill before us was introduced by my colleague DAN BENISHEK on November 4, 2011. In accordance with committee requirements, H.R. 3378 is cosponsored by all members of the Michigan delegation, and it was reported out of the Oversight Committee by a voice vote on February 7, 2012.

Elizabeth Kinnunen has a very special place in America's heart due to her personal sacrifice for our country. Mrs. Kinnunen is what we call a ''double gold star mother.'' Her son Eiso was killed in action during the Battle of the Bulge in World War II. Unfortunately, years later, her son Raymond was killed during the Korean War, while a third son, Reino, served in West Germany during the same war. No mother should have to lose two sons to war; but her family sacrifice will forever be part of history, and I ask that we pass this bill with no reservation.

I reserve the balance of my time.

Mr. FARENTHOLD. I yield as much time as he may consume to my distinguished colleague from the State of Michigan (Mr. BENISHEK).

Mr. BENISHEK. Thanks to the gentleman from Texas.

Mr. Speaker, I come to the floor today to urge my colleagues to support my legislation, H.R. 3378, a bill to name the post office building in Munising, Michigan, after the late Mrs. Elizabeth Kinnunen.

Mrs. Kinnunen's story is like that of many people's from northern Michigan and all across this Nation. It's a story of an immigrant who came to this country in the hopes of a better life and left America a better place. Mrs. Kinnunen came to our country from Finland in 1903. She married Oscar Kinnunen in 1909. They had 11 children, and like parents do all across this country, they worked hard all of their lives to ensure that their children would have a shot at the American Dream.

Mr. and Mrs. Kinnunen operated a boarding house in Marquette, Michigan. They provided warm beds to many timber and mining workers in Marquette County. Eventually, they moved to Munising, Michigan, where Oscar worked for the paper company and Elizabeth worked as a local cook. Mrs. Kinnunen was a faithful member of the Messiah Lutheran Church in Munising.

Mrs. Kinnunen's life was marked by tragedy. Two of her sons, Eiso and Raymond, were both killed in war while defending the freedoms we cherish so much. Eiso was killed in action during the Battle of the Bulge in 1945, and Raymond lost his life in the Korean War in 1952. We will never know the devastating grief their family must have suffered after such an enormous loss. We will also never be able to fathom the somber dignity Mrs. Kinnunen must have felt—in the words of President Lincoln—to have laid so costly a sacrifice upon the altar of freedom.

Mrs. Elizabeth Kinnunen died on April 5, 1974, at the age of 81. She is not famous. Her name does not grace history books; but Mrs. Kinnunen's life—the hard work she did, the family she raised, the terrible sacrifices she endured—is a small but important part of this long story that we call the United States. It is the countless lives like hers that has made this country the greatest Nation in the world. Naming this post office in her honor is a thoughtful and lasting way for the community of Munising to celebrate her life and accomplishments.

I urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. FARENTHOLD. I urge all Members to support the passage of H.R. 3378, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3378.

The question was taken.

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

Mrs. MALONEY. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CECIL E. BOLT POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4389

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

SECTION 1. CECIL E. BOLT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, shall be known and designated as the ''Cecil E. Bolt Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Cecil E. Bolt Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I respectfully ask unanimous consent that all Members may have 5 legislative days in which 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 Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4389, introduced by the gentleman from California (Mr. COSTA), would designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the Cecil E. Bolt Post Office. This bill was introduced on April 18, and it was reported out favorably from the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, Cecil Bolt was drafted into the Army just prior to the start of

World War II. He was assigned to the 75th Artillery Unit in the Aleutian Islands in Alaska. After the war, Mr. Bolt returned to Fowler, California, and was appointed postmaster in 1947. He was known for his friendly service, especially when delivering packages on Christmas Eve, which is something at this time of the year we can all appreciate. Sadly, Mr. Bolt passed away on February 9, 2007, but he is fondly remembered by many family members and friends.

Mr. Speaker, Mr. Bolt is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4389, which was introduced by my good friend and colleague to whom I now yield such time as he may consume, the gentleman from the great State of California, Representative JIM COSTA.

Mr. COSTA. Mr. Speaker, I rise in support of H.R. 4389, and I thank the gentlelady from New York for yielding me the time to speak on behalf of the naming of this post office in Fowler, California, on behalf of Cecil E. Bolt, who was the postmaster there for many, many years.

Today is a great day for the city of Fowler and for its community and the city council, which over a year ago overwhelmingly came to me and asked that we dedicate and name—appropriately so—the post office at Fowler, California, on behalf of a postmaster who served the city and the community so well for so many years.

Fowler is a wonderful community in my district of over 5,000 people, one not unlike many communities that we have throughout the country—with a high school and with generations of families that have lived there for years. As a matter of fact, the mother of one of our colleagues, Congresswoman JACKIE SPEIER, was born in Fowler, California.

Today, we name the post office after Cecil E. Bolt. He was born and raised in Idaho, but like many, came to California. After graduating from college, Mr. Bolt moved to Fowler in 1939. Just prior to World War II, he was drafted into the U.S. Army, and as was noted, he was assigned to the 75th Artillery Unit in Alaska.

□ 1810

Cecil Bolt was part of, as Tom Brokaw wrote, America's Greatest Generation. In 1942, he married the love of his life, Naomi Opal Gourley, and together they raised two loving daughters: Dorothy Jane and Kathy Jean.

After the war, Bolt returned to Fowler and was appointed the postmaster, a position he held for 27 years. Known for his dedication and friendly demeanor, many times he would personally deliver packages, and not just during the Christmas season but throughout the year because of course everybody knew Cecil. His decades of public service extended far beyond the walls of the post office, which centered as a hub of activity for the community.

Cecil volunteered every day for more than 17 years at the Marshall Elementary School, where his service helped shape a generation of young people. He was also a faithful and active member of the Presbyterian Church of Fowler, where he also served as a Sunday school teacher and a Kids Club volunteer. For his service, he received Fowler's ''Citizen of the Year'' award in 1969 and the ''Silent Servant of the Year'' award in 2004.

Sadly, after years and years of service, Cecil Bolt passed away in 2007. Those in the city of Fowler who knew him were undoubtedly better off thanks to the good service of Postmaster Bolt.

So in conclusion, Mr. Speaker, the city of Fowler and its county council and the overwhelming support of citizens of the city and students who wrote in postcards ask that we do this in his honor without reservation—recognize the post office in the city of Fowler to be named after Postmaster Cecil E. Bolt in dedication to his family and the community of Fowler as well as the United States Postal Service.

Mr. FARENTHOLD. Having no other speakers at this time, I continue to reserve the balance of my time.

Mrs. MALONEY. Having no further speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4389, the Cecil E. Bolt Post Office. I urge all Members to join me in support of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4389.

The question was taken.

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

Mrs. MALONEY. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6260

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

SECTION 1. LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, shall be known and designated as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. 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 Texas?

There was no objection.

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

Mr. Speaker, H.R. 6260, introduced by the gentlelady from California (Ms. ESHOO) would designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office.'' This bill was introduced August 1 and reported favorably from the Committee on Oversight and Government Reform.

Lieutenant Ballard committed his entire adult life to serving his country. Upon graduating from Mountain View High School in 1995, Mr. Ballard enlisted in the Army. During his military career, he served in Germany, Bosnia, Macedonia, and Iraq. Sadly, Lieutenant Ballard was killed in 2004 while deployed in Iraq. I'm truly grateful for the brave and heroic service of Lieutenant Ballard and for all those who serve and defend our Nation every day.

Mr. Speaker, Lieutenant Ballard is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in support of H.R.

6260, a bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

The bill before us was first introduced by my good friend and colleague, Representative ANNA ESHOO from the great State of California, and I yield her such time as she may consume.

Ms. ESHOO. Mr. Speaker, I thank my colleague and good friend and classmate Mrs. MALONEY from New York, and I thank our colleague from Texas for his very kind and generous remarks about the designation of the United States post office in Mountain View, California, in my district, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

A Mountain View native, Ken Ballard joined the Army at the age of 18. He comes from a distinguished family that have given a long line of military service to our country. He attended basic training at Fort Knox, Kentucky. He went on to bravely serve our Nation in Germany, Bosnia, Macedonia, and Iraq.

On April 3, 2004, Lieutenant Ballard's battalion, the 2nd Battalion, 37th Regiment, 1st Armored Division turned in their weapons and began preparing to return home. The very next day, violence broke out in Baghdad, and shortly thereafter, Lieutenant Ballard's tour was unexpectedly extended for an additional 120 days.

Less than 2 months later, on May 20, 2004, after 9 years of service, Lieutenant Ballard was killed in Najaf, Iraq, by accidental discharge of the M–240 weapon on his vehicle. He was a recipient of the Purple Heart and three Bronze Stars, two with valor device.

Lieutenant Ballard was a true American hero, and his ultimate sacrifice deserves our formal recognition of gratitude, which is what we are doing here today. In paying tribute to him and his service, the House will not only honor his sacrifice, but also that of every brave American who dons a uniform in defense of our Nation each and every day. So many have given their lives so that we may live ours freely, and each deserves our gratitude, our respect, and our remembrance.

I want to thank the city council of Mountain View, California, for their support of this effort, and I want to pay tribute to Lieutenant Ballard's mother, Karen Meredith, for her unswerving advocacy on behalf of her son that the truth would be documented and put forward, and of course her support in the renaming of the post office of his hometown after him.

So I urge my colleagues to vote for this legislation. I thank everyone on a bipartisan basis that has been involved in this.

□ 1820

Mr. FARENTHOLD. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I join my colleague and compliment her on her very moving tribute, not only to her constituent but to all the men and women who serve our great Nation.

Mr. Speaker, I thank my colleagues on both sides of the aisle for their support of this renaming in honor of a true American hero. And noting that I have no additional speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join the gentlelady from California and the gentlelady from New York in support of this legislation honoring Lieutenant Kenneth M. Ballard, naming the post office the Lieutenant Kenneth M. Ballard Memorial Post Office, and urge my colleagues to enthusiastically support H.R. 6260.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6260.

The question was taken.

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

Mrs. MALONEY. 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RELATING TO THE DEATH OF THE HONORABLE DANIEL K. INOUYE, A SENATOR FROM THE STATE OF HAWAII

Ms. HIRONO. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 839

Resolved, That the House of Representatives—

(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;

(2) authorizes the Speaker to appoint such Members as he may designate to serve with members of the Senate as a committee to represent the House in attendance at the funeral of the Senator;

(3) directs the Clerk to communicate this resolution to the Senate and transmit a copy to the family of the Senator; and

(4) when it adjourns today, does so as a further mark of respect to the memory of the Senator.

The SPEAKER pro tempore. The gentlewoman from Hawaii is recognized for 1 hour.

Ms. HIRONO. Mr. Speaker, earlier this week, my State of Hawaii and our Nation lost a truly great man, Senator Daniel K. Inouye. He began serving our country when he was only 17 years old, joining the Army after the attack on Pearl Harbor.

At that time, many questioned the patriotism of people who looked like him, but for Senator Inouye that was precisely why he joined the service. He was a true patriot. He loved this country and was willing to do whatever he could to defend it. In fact, he lost his arm charging a series of machine gun nests on a hill on San Terenzo, Italy, on April 21, 1945. His heroic actions rightly earned him the Medal of Honor.

He was the embodiment of the Greatest Generation: courage, sacrifice, humility, and love of country. It's why the commitment to serve and protect those who fight for our country has always been one he took personally. It's why he always stood up for the ideals of freedom and justice that our country is founded upon, because he saw firsthand what happens when we don't. And it's why he was always proud to stand up for our heritage in Hawaii.

The truth is, Senator Inouye deeply loved our beautiful State of Hawaii. Half a century ago, he had a vision of the Hawaii we inherit from him today. Over his many decades of service, he displayed a builder's skill, pouring the foundation of the modern and vibrant Hawaii that is his legacy. And so the greatest tribute we can pay Senator Inouye is to acquire his vision, apply his skills, and build on the remarkable foundation he laid for us, from strengthening our schools and university to building our roads and bridges.

And just today, our State marked another milestone led by Senator Inouye. We signed a full funding grant agreement with the U.S. Government for our Oahu rail project. This was a project championed by Senator Inouye through many years, through many ups and downs.

The Senator saw the future of Hawaii often before others did; and when he saw something that was going to better the lives of the people in Hawaii, he always fought for it. This is probably one of the things he will be remembered for the most, his tenacity in fighting for the people of Hawaii and for doing what is right.

And while he may have been a fierce competitor, he was always a gentle spirit. In a Washington that, at times, is so torn apart by partisanship, Dan Inouye always worked to defuse that situation and bring us together. He understood that words mattered as much as actions, and he always worked to elevate the debate.

And he stood by his friends, no matter their political stripes. It's why we've all heard from people on both sides of the aisle, and some who are speaking today, who are so saddened by his death by what our country lost this week.

I received a message from our good friend and brother, ENI FALEOMAVAEGA from American Samoa. He is traveling overseas and asked that I mention his deep condolences to the people of Hawaii.

Eni, like so many, calls Senator Inouye a mentor. He taught us all lessons we'll never forget. Simply put, Senator Inouye was an extraordinary

person, a giant in the Senate, who accomplished so much for the people of Hawaii and our Nation. It is now up to us to carry on that work, to realize his vision, to draw upon his strength, his strength of purpose and strength of character, to do what is right.

I know the people of Hawaii join me today in pledging to do just that.

Aloha, Senator INOUYE.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I also 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. 839.

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

There was no objection.

Ms. HIRONO. I would now like to yield as much time as he consumes to my colleague from the Commonwealth of the Northern Marianas, KILILI SABLAN.

Mr. SABLAN. Thank you very much.

Mr. Speaker, I'd also like to express my deepest condolences to the people of Hawaii for their loss of a great Senator and a great American. I would not be here today standing in the well of the House if not for Senator Daniel K. Inouye.

This beloved leader did so much for many Americans, for so many people of the Pacific, as we are hearing tonight. He touched the lives of so many individuals, including my own life.

In 1986, Senator Inouye gave me the opportunity to work as a Fellow in his office here at the Capitol. Senator Inouye had established a program to bring young men and women from the Pacific Islands to Washington to learn about Congress and the United States Government. We came from American Samoa and from the Northern Mariana Islands, my home.

What an opportunity Senator Inouye gave us. What an eye-opening experience to see Congress at work. What an education to watch up close this distinguished man of the Senate, by turns dignified, gracious, good humored, principled, quiet and when called to defend the forgotten, fierce, fierce and formidable. I was inspired.

□ 1830

Seeing what an elected official could be, what he could do to bring justice to this world, I dared to dream of one day doing the same. The Northern Mariana Islands did not even have a seat in Congress in 1986. That did not happen until 23 years later. But throughout those 23 years, I held that dream deep in my heart, the dream that Senator Daniel Inouye planted that some day I could represent my people as I had seen him represent the people of Hawaii and America.

I will admit that dream did not always burn brightly. There were times when I did not tend the flame. But when the day came that Congress granted a seat to the people of the Northern Mariana Islands, that flame roared to life. That inspiration that Daniel K. Inouye had lit in my heart, fed by the ideals that he had instilled in me those many years ago, the ideal that we're all equals in this great country, as citizens and as individuals, and that, against all odds, we can overcome poverty, we can overcome prejudice, we can overcome terrible, terrible, physical injury and survive stronger than ever. We can survive and prevail if we believe in the inherent decency and goodness of America, as Senator Daniel K. Inouye believed—if we are not afraid to dream.

And so I dreamt, inspired by this man, aided by the opportunity he once gave to me. And tonight, Mr. Speaker, I stand here in the well of this hallowed Chamber to say thank you to Daniel K. Inouye.

Thank you, Senator Inouye, for showing me the way here. Thank you, sir, for showing us all what it means to be a true Member of Congress. Thank you, and good night. Rest well. We shall always remember you.

Ms. HIRONO. Mr. Speaker, I now yield such time as he may consume to my good friend from Alaska, Congressman DON YOUNG.

Mr. YOUNG of Alaska. I thank the good lady for yielding.

This is a solemn moment. The gentleman from the Mariana Islands just gave a presentation. I would like to think Senator Inouye and I played a role in making sure he could stand on this floor and give that presentation.

Danny Inouye, the Senator from Hawaii—actually, he was the third Senator from Alaska. And excuse me, Danny, for saying this; I don't want to call you Senator at this time, but just Danny. He was always able to reach across the aisle and solve problems of the noncontiguous States with my friend, Senator Stevens. Hand-in-hand, two veterans. One lost an arm and one flew 36 missions over the Hump. Together, they were one, they were brothers, and they said that so many times—brothers in arms, brothers in supporting two noncontiguous States, brothers in solving problems for people across the aisle.

I didn't serve with Danny, but I knew him well because he was a friend of my people, the Alaska Natives. In fact, we had him 2 years ago at the AFN convention speaking to the need and necessity for the Hawaiian Natives to be recognized as the Alaskan Natives were.

He was an icon—a person that could work together. And he was—think about this—a young man that was Japanese. He was not in an internment camp. He volunteered for the America that he loved. He loved and served and lost, but he always won. He always won. But he did that by reaching the one arm he had left in his hand and shaking that hand and saying, Let's do it together. Let's work together. Let's not have the animosity, the rancor that's occurring today.

In fact, when I think about it a moment, I think, Danny, God bless you. You're in heaven. Hawaii is better off. Alaska is better off. But if we don't change our ways, you would be terribly disappointed. You would not be happy the way things are happening in this Congress, including the United States Senate.

And so, Danny, I will tell you one thing. You have Alaskans—especially my wife, my children, and my grandchildren—that thank you for the efforts you put forth to take the aboriginal people and bring them into the mainstream of life, with the help of Senator Ted Stevens.

So God bless you, Danny, Senator from Hawaii, and the third Senator for the State of Alaska.

Ms. HIRONO. Mr. Speaker, I yield such time as she may consume to my friend from California, Congresswoman DORIS MATSUI.

Ms. MATSUI. I would like to thank my friend, the gentlelady from Hawaii, for organizing this time for all of us to honor Daniel Inouye.

It's with heavy heart that I rise here today in support of this resolution honoring the late Senator Inouye. On December 17, our country lost a beloved leader, an American hero, and a man I was honored to call my friend.

Rising to become the most senior Member of the United States Senate, Senator Inouye will be remembered, not only for his distinguished record as a legislator, but also for his heroism on the battlefield. Senator Inouye served his country on the battlefields of Europe during World War II and earned the Nation's highest honor for military valor, the Medal of Honor.

As a soldier, Senator Inouye fought for the lives of American citizens back home to protect his fellow servicemen and also for the ideals our country stands for: equality, justice, and freedom. When he joined politics, the only thing that changed was his battlefield.

Senator Inouye was a giant in Congress who demonstrated his strong love for his country and belief in American ideals with every action he took. He was a man who stood by his convictions and fought for what he believed and was never afraid to reach across the aisle and look for bipartisan solutions to some of our Nation's most pressing problems. And while his presence was certainly strongly felt here in the Capitol, he remained accessible to and was loved, not only by his constituents in Hawaii, but across this country.

When I put the word out to my California constituents that Senator Inouye had passed away and that Congress had lost one of its greatest leaders, I received an outpouring of comments from my constituents expressing their sorrow and sharing stories of ways that Senator Inouye had touched their lives. Even in my district of Sacramento, California, Senator Inouye was well known, well respected, and well loved.

As the highest serving Asian American in our country's history, Senator Inouye was a true inspiration to the Asian American community.

As a Member of Congress, my late husband, Bob Matsui, worked closely with Senator Inouye on the movement for Japanese American redress and reparations. Together with colleagues, they helped secure a formal government apology for innocent Japanese Americans who were victims of one of our country's darkest moments.

It will be impossible to find a stronger voice for our Nation's veterans than Senator Inouye. He was instrumental in getting the Congressional Gold Medal awarded to several military units from World War II, units composed almost entirely of persons of Japanese ancestry who exhibited exceptional bravery on the battlefield while their own families were in interment camps here at home.

Earlier this year, I worked closely with Senator Inouye to ensure that the Congressional Gold Medal toured the country so everyone could have the opportunity to learn about the bravery and heroism of these veterans.

□ 1840

This is the type of man Senator Inouye was. He was a man who, up to the very end, worked tirelessly to bring recognition to those who deserve it the most.

Senator Inouye devoted his life to serving his country. He was an inspiration and a role model—a real role model—an example of what every public servant should strive to be.

My thoughts and prayers are with his wife, Irene, his son Ken, and their family, and especially to his granddaughter Maggie, whom we will make sure hears about the stories of her great-grandfather.

On a personal level, when my husband passed away some 8 years ago, I recall how generous and sincere Dan Inouye was towards me and my family during those difficult days. I know this is a difficult time, but it is my sincere hope that there is some comfort in knowing that his legacy of remarkable service and dedication to our country, his love of country, will live on for generations to come. He was truly a giant.

Ms. HIRONO. I would now like to yield such time as she may consume to my friend from California (Ms. CHU).

Ms. CHU. Earlier this week, our country lost a valiant war hero and one of the greatest statesmen of our time with the passing of Senator Daniel K. Inouye.

Senator Inouye was an inspirational leader and a true American patriot in every sense of the word. In fact, it's hard to think of the State of Hawaii without Daniel Inouye. Since the moment Hawaii gained statehood in 1959 he has represented the Aloha State in Congress and ensured that Hawaii and others in the Pacific region have access to resources and facilities that many on the continental U.S. take for granted.

Even though he was labeled an enemy alien during World War II, he made the decision to enlist in the Japanese American ''Go for Broke'' 442nd regimental combat team. He fought bravely, even as thousands of Japanese Americans were unjustly placed in internment camps at home. In one terrible battle in Italy, he led an assault against a heavily defended ridge. Germans shot at him with machine guns, destroying his right arm. Despite that, he was still able to destroy the German bunker. His bravery earned him the Medal of Honor and the Congressional Gold Medal, and for that alone he will always be remembered as a true American hero.

But Senator Inouye's service to our country extends far beyond World War II. He was a trailblazer in politics when there were few Asian Americans. He rose through the ranks, becoming the chairman of the powerful Senate Appropriations Committee and the President pro tem of the U.S. Senate, and became our highest-ranking Asian American politician. He broke barriers and paved the way for countless Asian American and Pacific Islanders in public service. In my role as chair of the Congressional Asian Pacific American Caucus, I truly valued his guidance as a founder and longtime executive board member of our caucus. He was a tireless advocate for both the people of Hawaii and the broader Asian American and Pacific Islander community.

All of us who had the honor to know and learn from him will dearly miss his leadership and the honor and integrity that he brought to the job. My heart goes out to his wife, Irene Inouye, his son, Daniel Ken Inouye, Jr., and the many family, friends, colleagues, and constituents for their tremendous loss.

So aloha, Senator Inouye. Thank you for your lifetime of service. While your passing has left us with a great void, we know that your legacy will continue to live on in the many accomplishments you leave behind and in the generations you've inspired through your service to our country.

Ms. HIRONO. Mr. Speaker, I now yield such time as she may consume to my friend and colleague from Hawaii, Congresswoman HANABUSA.

Ms. HANABUSA. Thank you to my colleague from Hawaii for doing this.

Mr. Speaker, I rise today in support of House Resolution 839, which relates to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii. I know that as the most senior Member of the United States Senate, as the Appropriations chair, and as a true war hero, Senator Inouye will be remembered in Washington, in Hawaii, and across the Nation. Tomorrow, he will be given one of the highest honors of anyone in this country, and that is to be able to lie in state in this Capitol. But for me, the passing strikes deeper because he was also my mentor and a dear friend.

I had the honor of having lunch with Senator Inouye just before he went into the hospital, and we discussed many things. Know that his love and concern for Hawaii and for America never wavered. He never stopped thinking about how things could be made better, who we could help, and what we could accomplish. He was, of course, a force to be reckoned with, and as I said at the time I just couldn't think about Hawaii without Senator Inouye.

Since his passing, statements like the Congressman from Alaska just said about the Senator being their third Senator has been made by other Congressmen to me as well, so you know that his impact was felt very deeply throughout this country.

As long as Hawaii has been a State, Dan Inouye served us in Washington—''us'' meaning the people of Hawaii. For most people in Hawaii, he was always there, as dependable as the sunrise, yet he was never proud, never acted as though he was better than the people he represented.

I can tell you from personal experience that it is just impossible to be an elected official in Hawaii without being in awe of Daniel K. Inouye, someone who served so long, accomplished so much, and yet made it seem so effortless.

Hawaii was and is a grassroots State. You need to get out there with the people, share their activities, eat their food—now, that's really critical—laugh at their jokes. And there was Dan Inouye, the war hero, recipient of the Medal of Honor, U.S. Senator, an iconic force in Hawaii's history and politics, and he just fit right in. Us, the people of Hawaii, we can spot a phony a mile away, but we loved him because we knew he was the real thing. He was genuine.

So here was the most senior Member of the Senate, chair of the Appropriations Committee, President pro temp, and third in line to the succession to the Presidency, but in his heart he was no different than that kid growing up in territorial Hawaii, not wearing shoes until he got to high school—by the way, not wearing shoes we called going ''hadashi'' in Hawaii—who volunteered just out of high school to serve his country in war. I think that's why, when he ran for reelection, his bumper stickers didn't say Senator Inouye, or Daniel K. Inouye, it just said Dan.

I still remember his political poster when I began to recognize political posters, solid black with Dan, his signature, in yellow. Simple, yet strong, as he was. I didn't know at that time the significance of the colors. Those were the colors of his alma mater, McKinley High School, again, a statement that he never forgot where he came from.

For me, knowing Dan Inouye and learning from him, that down-to-earth nature was a very special thing. When he shared his insights about serving the people who elected us and doing what is right for Hawaii and America, I knew it was coming from his heart. Not just that what he was doing was

advising to show the true love for the people he served, but also that he was sharing these insights with me because he cared enough about me to pass on the lessons.

□ 1850

He genuinely wanted me to do better. Quietly, with that great smile and that beautiful, resonant voice, he gave that gift of his experience and his wisdom. He was a man of such accomplishment and power who was also unbelievably generous of himself.

I will never forget that gift from my friend, Dan Inouye. For the next few days, as we say good-bye to a genuine hero, a champion of Hawaii, a political icon, I hope, Mr. Speaker, you will join us in remembering a wonderful man and pass this resolution so that we may all say, ''Aloha, Dan, mahalo, and thank you.''

Ms. HIRONO. I now yield such time as he may consume to my good friend from California, Congressman MIKE HONDA.

Mr. HONDA. Thank you, Madam Chair.

I, too, rise today with a heavy heart to honor and to remember Senator Dan Inouye.

On December 17, 2012, the State of Hawaii, our Nation, the Asian American and Pacific Islander community and all champions of social justice and change lost our polaris, our guiding light, our guiding star—Senator Daniel K. Inouye. I'm deeply saddened by the passing of my dear friend who has been a hero to us all, his ohana.

From his service on the battlefields of World War II—we mentioned a Medal of Honor—to the Senate floor, in serving the Aloha State in Congress since it achieved statehood in 1959 and rising to become the highest ranking Asian Pacific Islander in our Nation's history, his impact on our lives and our community is immeasurable and unparalleled.

The Senator has had a deep sense and reflected a deep sense of dignity in spite of any kinds of situations that may surround him, a quiet calm of strength even in the battlefields to the Halls of Congress.

We know that during the time of Watergate, he was slighted and insulted through a racial slur, but he did not exchange one for another. He just reflected his quiet strength and dignity by not responding at all. The rest of the country did for him. And as he went through the Watergate process, he showed that he could serve and deal with justice with an even hand. And with that, he showed that this country can deal with all kinds of problems that it faces.

As chairman of the Senate Appropriations Committee, Senator Inouye worked across the aisle to ensure that the needs of the people of Hawaii and the sovereign rights of native Hawaiians and other indigenous people, as our friend, DON YOUNG, had mentioned, as well as the AA-PI communities, were priorities of this government.

During the seventies and eighties, Senator Inouye played a critical role in making sure that this country understood its behavior towards the Japanese Americans on the mainland and in Hawaii. There was an effort to secure an apology, a recognition of the wrongdoings, and also move forward with the idea of reparations, but it didn't seem as if they were making much progress. He wisely said to leadership of this movement, Perhaps we need to do a study and a commission to educate and inform the rest of the Members of this body to understand what it is that we are fighting for. And so came about the World War II Commission on Internment. And through the commission study and their gathering information across this country and listening to testimony, from people who were aged to the people who were younger, securing information validating the position of those who were seeking an apology from this government came the conclusion and the final decision to move forward with the bill, my bill, 442, to rescind Executive Orders 9022 and 9044, and also to make sure that this country understood the reasons for the incarceration and internment of Japanese Americans in this country during 1942.

The conclusion of that commission reflected the wisdom of Senator Inouye. The conclusion of the commission said the reason why internment happened to Americans of Japanese descent was because of war hysteria, racial prejudice, and the failure—the failure—of political leadership. And to that, it's been always a reminder for me when I listened to him and I watched him work that he would never, ever allow the lack of failure of political leadership in this country to ever fall—not on his watch.

Since 1959 when I graduated from high school, I reflected back now, today, of how young he was then and how he stood his ground and guided Alaska and this country through his life and his dedication to public service.

So, Senator Inouye proved to be a very devoted husband and a father. I extend my sincerest condolences to the entire Inouye family.

Senator Inouye's passing may mark an end of an era, I would say, but I would declare and say that his work will continue to impact this country in terms of a continuous attention to ohana and to the rights of all people, including aboriginal folks.

He once stated in his fight to protect the Filipino World War II veterans, he said about them, he said that heroes should never be forgotten or ignored. And he always continued to make sure that those who serve this country were not to be forgotten or ignored.

So, we, as a grateful Nation, will never, ever forget the Senator from Hawaii, a war hero, a servant through his military service, and a servant through his service in the Halls of Congress.

So I say to him ''Aloha, mahalo.''

Ms. HIRONO. Mr. Speaker, I want to thank all of my colleagues who came to the floor tonight to share their experiences and thoughts about Senator Inouye, as well as all my other colleagues who express their condolences to Irene Hirano Inouye, his wife; his son, Ken; his daughter-in-law; his granddaughter, Maggie; and all those who have expressed and shared their experiences with Senator Inouye.

This is a man who touched so many lives, not just in Hawaii, but all across the country. And we all know at this point what a great Senator he was and all of the good works that he did, but at a time like this, we often hear from just individuals who want to share their very human stories about individual kindnesses that he showed. In fact, one of my colleagues today said, Did you know that I was at a function where it was raining, and he held an umbrella over my head with his one good arm for an hour? Or how much he cared about the Hansen's disease patients in Kalaupapa, and he invited them to Oahu to meet with the Secretary of Transportation, Ray LaHood, so that the Secretary could hear from these residents who often did not get to travel very much, who could share with the Secretary their own concerns and to ask for his help, and they were helped.

So it is always a human dimension to what Senator Inouye did that always struck me, and he did so in a very quiet way. So we honor him, we thank him, and his last word before he passed on was, ''Aloha.''

Senator, we bid you aloha. We love you. Aloha.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of this resolution allowing Members of Congress to honor the life of a great American hero and a friend to us all. I want to thank my good friends from Hawaii, Ms. HIRONO and Ms. HANABUSA, for their leadership in introducing this resolution.

We have lost a father, a hero, and a true friend. There is no doubt Senator Daniel K. Inouye was a strong advocate for the people of Hawaii but he was also instrumental in helping the people of American Samoa and all our Territories and neighbors in the Pacific. The Samoan people recognized the Senator's passion for the people of the Pacific especially American Samoa by bestowing him the esteemed chief title, Fofoga o Samoa-meaning, the Voice of Samoa.

On the Hill, Fofoga o Samoa Senator Inouye was a giant. He was greatly respected not only for his service as a Senator but, importantly, his patience and unique ability to work with both sides of the aisle for many years. Being a Territory and having a small population, it is very difficult to move legislation without having any representation or support in the Senate, and Fofoga o Samoa Senator Inouye was always there for American Samoa. He was also a fighter for the rights of Native Hawaiians, ensuring veterans received their benefits, and was a pioneer for all Asian and Pacific Americans.

I remember in early 1990 when I accompanied the Senator on a Congressional Delegation he led on a Pacific tour that included my District. It was an honor and a privilege accompanying him on this tour because it showed me his deep understanding and care for all of the people in the Pacific. Just as he was a boy that was born and raised in a Territory (Hawaii), he felt it was the right thing to do to help our Territories. This was just a small sample of the Senator's leadership and diligence in recognizing the importance of helping our Territories and the Freely Associated States.

As a former member of the 442nd 100th Battalion, I can only thank the Senator and his comrades for their service and 'Go For Broke' attitude which has laid the path for many of the Samoan sons and daughters to serve in our great military force. I am forever grateful for the Senator's service to our nation and for his love and compassion for the people of American Samoa.

Let us pray that the Lord comfort those who have lost an amazing leader who has touched each and every one of our lives.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in reflection and remembrance of the life of Senator Daniel Inouye.

I was deeply saddened to hear of the loss of Senator Daniel Inouye on Monday; his passing marks the end of an era for the people of Hawaii, for the United States Senate and Congress, and for the country. A public servant from start to finish, Daniel Inouye has left a shining, indelible mark on history that will inspire Americans for generations to come.

His story is simply incredible. Daniel was a medical volunteer during the Pearl Harbor attacks in 1941. Even though the U.S. Army banned people of Japanese descent from enlisting, and even though Executive Order 9066 authorized the internment of roughly 110,000 Japanese Americans, Daniel Inouye found it within himself to be an American patriot.

Soon after the ban on enlistment was lifted, he abandoned his Pre-Med studies at the University of Hawaii and enlisted in the U.S. Army in 1943. He was a war hero in the truest sense of the term, earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the union.

Daniel Inouye was a Lieutenant and Platoon Leader on the battlefield in Tuscany, Italy in April 1945. Even after being shot in the stomach by German machine gun fire, he refused medical treatment and still managed to find the courage to destroy 2 machine gun nests. Nearly losing consciousness from blood loss, he heroically charged a 3rd machine gun nest before having his right arm severed by a German grenade. Somehow, even after these grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the 3rd bunker.

He remained a proud member of the military until his honorable discharge as a Captain in 1947. He was Hawaii's first Representative in the House, a source of great pride to all Members, past and present.

As Hawaii's first Congressman and, subsequently, as a nine-term Senator, Daniel Inouye embodied the spirit of 'aloha' in his work. Serving as Chairman of the Appropriations Committee, he worked to strengthen our national security and help veterans access the benefits they've earned.

He was a consistent champion for the interests of Hawaii's people. I am grateful for the opportunity to have worked with Senator Inouye, and my thoughts are with his family and with the people of his beloved Hawaii, who will always remember him for his leadership and his courage. As a Senator, he never forgot his military roots, and has always been a voice for veterans.

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. 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.

I want to extend my condolences to his entire family as they mourn the loss of a great man.

When asked recently how he wanted to be remembered, Daniel said, quite humbly, "I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did OK." I think that I speak for us all when I say that this was quite an understatement for a man who accomplished so much and sacrificed so much for this country. And so with heavy hearts, we bid "aloha" to Senator Daniel Inouye—a man whose chapter in American history will live on.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

RECOGNIZING DEPARTING MEMBERS OF THE MASSACHUSETTS DELEGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MARKEY. Mr. Speaker, I rise this evening to honor two great Members of the Massachusetts delegation who are departing. The first, JOHN OLVER.

JOHN OLVER is a public service powerhouse, a transportation titan inside of this institution. He has a Ph.D. in science; but as he came to this institution, he became a scientist who became a statesman, and we were honored to have him in our delegation and in this Chamber. He was an avid outdoorsman, but he was ahead of his time in bringing attention to this Chamber for our consideration of the impacts of climate change, the need to protect our natural environment, the need to raise science as it affected the planet.

He arrived in Congress in 1991. His service on the Appropriations Committee helped rebuild our country's infrastructure and resulted in critical investments in transportation. At the same time, he was always an incredible advocate for his constituents, for their industries, and for the way of life of western Massachusetts.

He was a very special Member of this institution. He began his career in the Massachusetts State Legislature. He has dedicated the largest portion of his life to serving the public, to serving ordinary citizens; and he is going to be sorely missed. He made a huge difference in the lives of the people of Massachusetts and our country. And I just want to say that from our entire delegation and from the entire Congress, he is definitely going to be someone who is irreplaceable in this institution.

At this point, I would like to reserve the balance of my time and to recognize the gentleman from western Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I want to thank Mr. MARKEY for allowing me to participate in this Special Order tonight and to speak of two very valued Members of the Massachusetts congressional delegation and to speak of two Members who have had a profound influence on not just the politics of Massachusetts, but the important policies of Massachusetts.

Some years ago, George W. Bush, President Bush, said to me at a St. Patrick's day luncheon with some humor, Hey, Rich, how am I doing in Massachusetts? And I said, Mr. President, I don't think you're doing that great in Massachusetts right now, with some laughter. He said to me in a very candid observation, I want to tell you something. I always liked running against you guys from Massachusetts and tangling with you guys from Massachusetts, he said, because I always felt I was matching up against the best in America.

I thought that was pretty interesting for a conservative President to talk about the Massachusetts congressional delegation, and I think that the two members who are departing from this delegation are part of the high skill of two very good legislators. That's a skill that is not today held in the regard that it once was, the skill of the really good legislator, individuals who painstakingly know where the commas have to go, know when paragraphs have to end, and to make sure that sentences don't run on so that the intention of the legislation is honored. We all cheer on the final product, but many people dislike having to view the process that gets us there.

In the case of Congressman FRANK, he always had this reputation for being the great and universal outsider in politics, but his success came from the fact that he mastered the skill of the insider in this institution. He knew when enough was enough and it was the best deal you were going to get. After he made full advocacy for the plan that he offered and desired, he also knew that you needed 218 votes, or in his committee, he wanted to put the face of bipartisanship on the actual bill.

So Republican legislators in this institution, members of the Banking Committee would always say to me, Geez, BARNEY FRANK is one capable guy, because he was looking for the compromise as the path forward. You could talk to him about the complications of capital ratios, you could talk to him about the Federal Reserve Board, and you could talk to him about world issues; but at the same time, he unfailingly made it home to march in all of those parades, to attend functions for people who had been with him in elected office for four decades, to make those phone calls that you have to make. And he understood, once again, that in this institution the opinions of America and the emotions of America play out. Sometimes you get a good deal, and other days you don't quite get the deal that you wanted.

Before anybody in public life was advocating for gay rights, BARNEY FRANK was in the forefront. BARNEY FRANK was in the forefront on women's rights, and he was a great scholar, student, and participant in the civil rights struggles of our times.

Both these legislators are, interestingly enough, in my mind, principled individuals, children of the New Deal who believed that government plays a positive role in the lives of the American family. Not because government draws a conclusion on where we end up necessarily in life, but they both believe fervently in the idea that government ensured that everybody could get to the starting line for the race.

In the case of JOHN OLVER, Ray LaHood said to me one night at dinner—and Ray has been a fast friend. For those of us who are interested in transportation in western Massachusetts and indeed central Massachusetts, Ray LaHood said to me, You know, JOHN OLVER is one smart guy. He said, The meetings in his office can go on for a long time, but I've got to tell you, he really understands transportation theory and he understands transportation implementation.

A couple of the great things that we were able to participate in—because in western Massachusetts we always use the argument that people don't pay enough attention to our part of the State—but it was the small things like extending broadband access into the hill towns of western Massachusetts, improving rail transportation from New Haven, to Hartford, to Springfield, and on to Vermont. And in the case of JOHN OLVER, he was very helpful to me when I asked him in the transportation legislation to make sure that my congressional district and constituency were able to secure the funding that we desired. That's an important part of the legislator's life.

I also think that what was interesting about JOHN and BARNEY, they're believers. In a time when the public often says that the elected embrace superficial positions only to seek and curry the favor of the public, one of the two important things about these two guys is they were happy to tell you they disagreed with you. In fact, as the two of them got older, they were enthusiastic about telling you they disagreed with you. Oftentimes, when you walk into a room where the audience might be one that only wants you to say what they want you to say, these two would go into the room and say what they thought was on their minds, conclusions that they had drawn after long service in this institution and in the Massachusetts Legislature.

□ 1910

I also will tell you, based upon the point that I raised at the beginning of my comments, that we need to return in this institution to the skill of the legislator. It's the same skill that the jeweler looks at a diamond with. It's the same ambition that takes people to Pulitzer Prizes. It's the athlete in the gym who spends his time preparing for the Olympics. We need to honor that skill because it's often outside of the glare of the public, and when those in the public do see it, they're uncomfortable with it. It's the give and take of legislative life that made these two very good to work with.

I'll say this about the two of them as well—and they might not like it—that there were times when we needed something that they might not quite have been in agreement with; and after you got a little bit of their irritation, they generally included what it was that you wanted.

So it was an honor to serve with them, and I hope that we haven't heard the last of either JOHN OLVER or BARNEY FRANK. They've been very important to this institution and to America.

Mr. MARKEY. I thank the gentleman so much.

I would now like to recognize the gentleman from Massachusetts, MIKE CAPUANO.

Mr. CAPUANO. I thank the gentleman for yielding.

I generally don't do a whole lot of work on this stuff, but I've known these two gentlemen a long time. I met them both in 1976 when I was in law school and had the good fortune of getting a work study job at the statehouse. They were both there already. They were both already well recognized and influential at the statehouse; and I will tell you, from the day I met them, I started learning from both of them.

I want to be very clear. I want to echo everything RICHARD NEAL said. I hold public service up in high regard, and I know that everybody in the Mass delegation does as well. These two gentlemen not only have served in Congress; they've served at the State level, and they were both educators. They didn't do this because that's what they could do. One has a Ph.D. from MIT. The other has a law degree from Harvard. Either one of them could have done anything he wanted to do and been well compensated in doing it, and they could have had much more comfortable lives in never having read their names in the newspapers as bad people on different occasions. The fact is that they gave of themselves right from the beginning as young men. They didn't go out and make $1 million and then come in.

I think it's an amazing thing because, for those of us who have followed a similar path, the first several years of doing public service, no matter what you're doing, are not lucrative—they're usually a difficult struggle—and then to stick to it for as long as they did. Between the two of them, if you add up not just the years they served in elective office—because elective office is only one way to give back to the public—but if you add to that the years they served as staff members or teachers and if you add that together, combined, we're talking 100 years, guys.

I'm sorry, between the two of you, it's 100 years of public service to the Commonwealth of Massachusetts. That's something that's amazing.

As I said, I started learning from them both at the statehouse. It didn't stop. I moved beyond the statehouse. JOHN was still there. BARNEY had moved to Congress. I kept learning from them. I'll be honest, in my job at the statehouse, I went on to become a full-time employee.

You know it, but most people listening don't know it.

In Massachusetts, most of the committees are joint committees—house and senate. I was on a joint committee payroll, but everybody knew that I worked for the house. JOHN happened to be the senate chairman of the committee I worked for, and since Massachusetts is such an overwhelmingly Democratic State, my job was, really, to do everything I could to stick it to JOHN OLVER on behalf of the house and get everything we wanted and not what the senate wanted. It was kind of funny because, now that I'm in Congress, it's amazing in that those fights were really nothing more than just the epitome of family fights. They were nothing compared to the fights we have here that are based on deep philosophical differences of opinion.

Even then, I loved working with JOHN because, as RICHIE said, I remember once we were at 2½ and we traveled in the State, arguing against the limitations of local rights. JOHN went on for about 20, 30 minutes at some hearing about the evils of this particular proposition. Everybody was kind of getting tired and moving on.

JOHN broke and said, I'm awfully sorry that I'm kind of running on about this issue, but you have to understand that I'm a college professor. I think in 50-minute blocks.

Then he went right back in and did the other 20 minutes. I don't know if he convinced anybody, but he made me laugh the whole time because he knew who he was; he knew what he was; and he knew the subject better.

When I got to Congress, my first assignment, per one of my many friends

and mentors, Joe Moakley, was Financial Services. BARNEY was already there. I can't tell you how much I learned from him. We share a philosophical view, as I think most of the delegation does, particularly in the matters of financial services. Housing is a passion of mine. It has been for a long time, as it was for BARNEY. The truth is that it really became incredibly easy for me. I was able to cut a step back on the details of a lot of the major housing policy because BARNEY was such a champion, and I was able to focus on some of the holes that I saw in some of the policies that maybe some of the other Members of this Congress didn't see.

That's true about many, many things—of the financial services bill. BARNEY just carried that bill like you can't believe. It allowed me the opportunity to not worry about the big stuff because BARNEY was going to take care of it. I got to focus on some of the smaller details that we got engaged in. I learned so much from him as a member of the Financial Services Committee.

I hope I can be one-tenth as successful as you have been, BARNEY, in bringing people together but in not forgetting who and what we are and who and what we believe in.

Then I got on the Transportation Committee. JOHN, by that time, was already the cardinal of the Transportation Subcommittee and Appropriations. It's true. I thought I knew a fair amount about transportation. I'm kind of one of those guys who thinks, Don't tell me about my district. Nobody knows my district better than I do. I know the needs. I work with them. That's one of the reasons I'm such a vocal and public proponent of earmarks, because no one knows my congressional district better than I do except JOHN OLVER when it came to transportation matters.

I've got to tell you, JOHN, it made me angry a couple of times when you came up and you told me things about my district's transportation needs. You were right and I hadn't realized. I was like, Oh, geez. He got me again.

I can't tell you how many times I've worked with him to try to improve transportation policy for my district but, in turn, for the Commonwealth and, in turn, for the country. So I just wanted to come up tonight to thank both of them for their service on behalf of the general public, but also on a personal matter.

Both of you have been guiding lights for me. I have learned a lot from both of you—different approaches, similar philosophies, different personalities, different attitudes. I'm a little different than both of you on some things, but I'm alike on some things as well. I will tell you that, as a lifelong resident of Massachusetts, I am proud that you served us. I am proud that I've had the opportunity to work with you before Congress and in Congress; and I will tell you that I am proud to call you both colleagues and friends. Thank you very much.

Mr. MARKEY. I thank the gentleman for his comments, and I turn to recognize the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. I thank my colleague for yielding.

I had the privilege of serving with these two gentlemen, not only in Congress but in the Massachusetts Legislature. I remember being elected and serving at the age of 24, and my seat was right in front of BARNEY FRANK's seat in the legislature at the time. Now, at that time, we had 240 legislators. Very few people had legislative aides. Truly, you were on your own: you were your own speechwriter; you were your own researcher; you did your own negotiations. So to have BARNEY FRANK behind me in the give and take of everything when there were issues on the floor and when we were talking was amazing. I can't even tell you what I learned about being a lawmaker and a legislator, of putting deals together and negotiating.

We also worked in the legislative study group at the time, and I learned an important lesson that is, sadly, not utilized at the State or Federal level these days, that of how to work in coalitions effectively, because a lot of us were real progressives, and the legislature at the time wasn't particularly noted for that. I learned from people like BARNEY that, if you work together, they're going to need your vote sometime, and we could work together as a group and be effective. I learned at that stage that you can be effective at any level of the legislature if you become skilled and if you become tenacious. He inherited this.

I had the good fortune of also getting to know his mother, Elsie. Now, she was very active with the Mass Association of Older Americans, and she was terrific. She was passionate, knowledgeable, effective, and I can see where he got a lot of his skills.

□ 1920

But one of the things that impressed me also was the fact that in his time working as the chief executive for the late mayor Kevin White in Boston, he had the opportunity to really be there at the executive level. And I could see that reflect in his legislating, and I could see it today because he knew from the legislative side how important it was to do things to empower people on the executive side and how they could work in tandem. I know he took from that experience the fact that there are no sacred cows. When you're in that position in a big city and you're doing things you have to do, you're not always taking the most popular stands, but you're taking tough stands against different groups. And he had no sacred cows and he was willing to speak up when necessary.

I think people in this Chamber know as well that when he took the floor then, just like when he takes the floor now, you don't want to be the other person on the other side of that debating. But even in the din of a noisy House, something that's similar to both branches, when he would get up, everyone would get quiet. They wanted to listen. They were really interested in the intellectual and the humorous sides of the debate that they were about to see.

During that time as well, we would have our votes up on the board. I can tell you this: at a time when you were in the distinct minority on the issue of gender rights, discrimination, discrimination against some sexual orientation, on issues of basic fairness and progressive, those lights were always on the right side, whether in the majority, the winning side or the losing side. Times have changed things. Decades have changed how the public feels about many of these positions, and now they're popular. But at that time they weren't, but he was resolute.

You know, I also look back at some of the differences during that period of time. Back then BARNEY would have no time to shine his shoes. Or he would have holes in his shoes, and maybe his suit looked like it hadn't seen the cleaners—ever. But I remember his campaign slogans at the time. They said: Neatness isn't everything, vote for BARNEY FRANK.

And I've seen an amazing transformation now that I'm going to have the privilege, as he has had, to represent the city of New Bedford, of BARNEY around in Joseph Abboud suits, tailor-made, American-made, by the way, and I've seen that transformation as well.

But I've got some big shoes to fill down there. He is beloved in that area. As much as he is dealing with the intricacies of something like Dodd-Frank, many of the other things he's done representing city issues, he is by far the most popular elected official that the fishermen in the New Bedford area in the southeastern Massachusetts area have ever seen. His loyalty to them is probably only eclipsed by their loyalty to him. He knows so much about fish that I don't know if I'll ever catch up or ever have the opportunity, but it's amazing how complex that issue is as well.

But I will say this. Of all of the actions he's taken during his time in public life, I might dare to say what I think one of his most proudest actions would be, not just what people would think, working with fishing or Dodd-Frank, but I think it was really his marriage to Jim. He has told me how important that was to do while he was a Member of Congress, again showing leadership by action on an issue. And I was just so happy to be at that wedding and to see that union, that marriage, and I was very pleased to see the happiness and the love that was there at that time. My only regret is that his mother wasn't there to see it as well because she would have been so proud.

One thing you'll never say about BARNEY FRANK or JOHN OLVER, I don't

think there was ever a TV ad, an attack ad, that had one of those weather vane issues. You know, where you changed your position on this and you changed your position on something else, on an important issue. They were both resolute. And I had the opportunity to serve with JOHN briefly in the Senate in Massachusetts. Interestingly enough, when he was chairman of taxation in the Senate, I was his successor as chairman of taxation in the Massachusetts Senate. When I had that position, I started going through the reports and the research documents, and I knew that they just weren't done by researchers, that they had his thumb prints and his intellectual abilities all over them. I must tell you, if I started going back through those things a few decades ago, I probably wouldn't be through them now.

I remember on the floor of the House when JOHN would be carrying a bill to the floor, how people didn't really question anything he had to say. But it's interesting enough, when you go for questions, I seldom saw people go up to JOHN with questions on that legislation because all of us didn't want to know that much about whatever he was talking about. But JOHN had that same sense, strong sense of fairness, a protector of civil rights, a protector of equality, and one of the leaders of our time in understanding about the importance of the environment and the way we treat it.

He was a champion for western Massachusetts, not just with the infrastructure that's there, but when you thought of our colleges out there and the kind of infrastructure that gives people the opportunity for a good life and to advance in life, JOHN OLVER's fingerprints were all over that. He took that same attention to detail he had in the Massachusetts legislature and used it in Appropriations to great effect.

So with JOHN and BARNEY, I wish them both well. They deserve it, and they will continue to be productive, helping our State and helping the people in our State in other capacities.

Mr. MARKEY. I thank the gentleman, and I now yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank Mr. MARKEY for recognizing me at this point in time for the Special Order. You know, we did a little research so I wouldn't just stand up here, because I know JOHN and BARNEY are sticklers for detail. So we did a little research. We found a Special Order of some time ago when BARNEY FRANK, Congressman FRANK, came down to the floor basically to chastise one of the colleagues who had made a false claim during their Special Order. What BARNEY had to say at that point:

Special Orders are a time when Members can fairly freely say things without fear of contradiction because there's generally no one there. And as you listen to many of the Special Orders, there is a very good reason why no one is here: no one ought to pay a lot of attention to them.

Well, BARNEY and JOHN, today people ought to pay attention to what we are saying during this particular Special Order because you have both served the Commonwealth of Massachusetts and the United States for a long period of time, ably, and in a way that nobody should forget and everybody should want to talk about and recount. There's a lot of years between the two of you.

JOHN, 40 years in total, over 20 of them here in the United States House of Representatives. But I remember knowing you well before you knew me. Back when JOHN OLVER was a senator in the State of Massachusetts, as a young student at the time, I had the responsibility of janitorial services and cleaning up that State house. And I can remember going into his office. He was always busy, always had people in there, still working late into the night. But we were going around emptying barrels and vacuuming rugs, and he was always generous and kind to us at that point in time, but I noted how busy he was getting detail, and that never changed.

When I later had the opportunity to come here to the House of Representatives and be a colleague of JOHN's, just as others have recounted before me, he is meticulous in his detail, knowledgeable about every subject matter upon which he spoke or upon which he acted, and he added so much. It would be unfair, after over 20 years, to say that JOHN OLVER had a specialty in just one area because like every Member, you have to know a lot about a lot of different subjects and work very well with your staff to make sure that you have all of the information that you need. And JOHN was a leader and knowledgeable in a number of different areas. What he did for his part of the State will not be forgotten anytime soon by people there, whether it's getting designated an actual heritage area for his region, and so much more, but we will remember him for the work he did, particularly with appropriations on transportation matters.

□ 1930

And my district will remember JOHN for the work he did because, as RICHIE noted, and BILL before me, he oftentimes knew exactly what your district needed and knew how to help you get it. And so I can go to various parts of my district now, JOHN, and see projects that are there because of your help, because of your knowledge of what went on and your focus and persistence in making sure that they were funded.

Most recently was the city of Amesbury, which opened up a transportation center, which also houses its veterans office and its Council on Aging. And I mentioned to those folks who were there the work that you had done in helping us do that. They are all incredibly grateful, as are so many other people throughout my district and the districts of all of our colleagues here, for the work that you did and the time you spent on our districts' needs, as well as taking care of your district's needs. So I want to thank you for that and share the appreciation of all the people in my district.

Now, up until a couple of weeks ago, BARNEY's office was around the corner from mine, and so oftentimes we would have a steady stream of BARNEY visitors who found their way in there. If BARNEY could see them in the district, he wondered why they were taking up his time down here when he was busy doing things like the Dodd-Frank bill, fishing bills and other things of that nature, so they'd all come over and wander into my office.

But the fact of the matter is that BARNEY always was intensely involved with the matters that he was dealing with here. It reminded me of something else he said on the floor one time. He said that, when he was talking about one of our beloved former colleagues, Joe Moakley, he said that—what was true about Joe was, I think, also true about him. He said Joe Moakley was a great stereotype breaker. And BARNEY, you've been a great stereotype breaker as well in so many different areas it's countless on that.

But you said:

One of the things that we suffer from in this country is the assumption that if we are A, we cannot be B; if we are X, we cannot be Y.

You said Joe Moakley showed us that that could be and what it could be, and you have done the same.

BARNEY's been about one of the most fierce debaters down here. Used to be before I got to Congress, whenever I saw something going on in the House, I would always be anxious if BARNEY was up there, and I would watch other colleagues who might be in a colloquy with him sort of wince because they knew if they had misspoken or spoken out of line or out of turn they were going to get a comeuppance on that that they deserved, but done in a way that always had either good biting sarcasm or wit to drive it home on that basis.

You've been one of the most intense Members, and I say that in a good way, when you believe on the issues that were there, but always pragmatic enough to know the art of the deal. And RICHIE spoke to that, RICHIE NEAL when he discussed things on the floor here.

It's important in this legislative body to not be so ideologically extreme that you cannot, at some point, make a compromise, not on your principles, but on other matters so that we can get the business of this House done. BARNEY Frank and JOHN OLVER always had that in mind, always knew how to treat their colleagues with respect, and always knew how to drive to a bargain that would represent all of their values, make sure that they weren't compromising their principles, but make sure that the business of this country

and the things that were important in their district and their State got done. Both of you deserve a great deal of credit, and we can only hope that this House finds its way back to those days, when the majority of this body finds all of that necessary and possible to do.

On a personal note, as BILL mentioned, Patrice and I were thrilled when BARNEY and Jim got married; another way of showing that you can be a leader at times.

I just recently saw a program on Cheryl Wright, a country western singer; and if anybody got a chance to see it, she went through how difficult it was for her to come out. And I was moved by that show because it reminded of what it must have been for BARNEY and for anybody else in public life to have to come out—not knowing what the reaction of your own family or your friends or their colleagues or anybody in public is going to think about that—and take the risk to do it. And that is certainly one thing that this body and this country will always remember.

Whether it was our fishermen, the gay, lesbian and transgender community, so many Massachusetts residents are going to remember BARNEY Frank for all that he did, as they are going to remember JOHN OLVER on that. We're going to miss both of you fellows down here.

And JOHN, we wish you and Rose only the best in your future. I know you're going to keep busy in so many ways that you can.

And BARNEY, you and Jim are going to be busy, but not too busy, I hope, to come and share some dinners with Patrice and me.

The one nice part about that is BARNEY was never bashful about telling Patrice she could make what she made last time, that was just fine, but he and Jim weren't going to be doing the cooking.

So good luck to both of you, and thank you for letting us share your comradeship and be colleagues of yours. Thanks for all that you've done for the country and the Commonwealth and your districts.

Mr. MARKEY. We thank the gentleman from Salem.

I recognize the gentlewoman from Lowell, Ms. TSONGAS.

Ms. TSONGAS. Thank you, Mr. MARKEY.

It's great to be here, although a sad moment as well because we are losing—not truly losing, but no longer serving on a daily basis with—two remarkable colleagues with whom it has been my privilege to serve for 5 years. They are distinguished legislators, as we're hearing, but they're also great friends.

BARNEY FRANK has been a family friend for many years. In fact, my sister-in-law, Thaleia Tsongas Schlesinger, was BARNEY's press secretary in his first race for Congress.

And I was so proud to receive his support when I first got the seat 5 years ago. He commented at the time that he was responsible for defeating the last woman who had served from Massachusetts, and he wanted to help elect the next woman who was seeking to serve for Massachusetts. It had been 25 years.

And BARNEY, as we've heard, really has been a legend in everything he's done. I watched him from afar. I was quite young when he was working with Kevin White. We knew who he was because, even at that young age, he was very colorful and very able and recognized as being so extraordinarily bright and always witty, as a State legislator as well. In here we see it and have heard about it over and over again.

Soon after getting here 5 years ago, maybe a year into it, you know, we struggled with the collapse of Wall Street. And I remember thinking that we were so fortunate to have BARNEY Frank in a place where his expertise, his commitment to learning, brought such great value to what we sought to do in order to stop the free fall, while protecting American citizens and the American economy. And it really was a moment where one was reminded that as much as we talk about term limits and the need to be reinvigorated and bring new people in, there is tremendous value in people who have been here a while, who have mastered the material and who know quickly how to respond in an emergency, which that moment most certainly was. And it's something I take with me, that we need to have a balance. But we were fortunate to have BARNEY Frank in the position as chairman of Financial Services, as he was at that moment.

And we've heard and will never forget the tremendous work he has done on civil rights and gender equality. I often think that, as we come to Washington and we seek to make a difference, we're really like a little feather in a stream. We can make a little difference here and there, but BARNEY Frank has improved the lives of millions of Americans across this country with his work on gender equality.

And, again, I will never forget, as the Employment Nondiscrimination Act passed this House for the first time, did not go anywhere in the Senate, but, again, a remarkable testament to BARNEY's commitment and extraordinary personal courage as he has fought for these issues for so many years.

And I have to congratulate him on falling in love with and marrying a gentleman from my district, Jim Ready. It's been a wonderful thing. But I think the best thing of all was that he came from Tewksbury, Massachusetts, now JOHN's district.

JOHN OLVER, I think of JOHN as a gentleman of the House. He's so thoughtful, so knowledgeable, so quiet, but so committed. And I've been happy to inherit a certain part of his district; although, I know that his constituents there will miss him forever. And I think, as an example of how generous a man he is, how hard he worked as we made our way into these new communities, how hard he worked for me and Congressman MCGOVERN to make sure that we were introduced in a way that positioned us well to move on and become representatives of those communities.

So I'm happy to inherit them, but again, I know I have such big shoes to fill, and I see it in particular in all his work. He has been the cardinal on the transportation side of the Appropriations Committee, the tremendous work he's done to bring resources to some communities that really will benefit from them.

But it is not just about the resources. The Fitchburg rail lane is not just about a rail line. It is about the future of a community connecting the central part of Massachusetts into the Boston area, improving the lives, the economic opportunities of the people who live and work there. So again, a remarkable legislator who I know I will miss.

I went to an event that was hosted by his many, many staff members. He was beloved by his staff. And also attending were a number of people who, over the years, had made their way into JOHN's office to talk about some particular funding that they were seeking. And across the board, everyone said how well prepared they had to be because, invariably, he knew more than they knew and would have a question for them that they could not answer.

□ 1940

I have to say I had the very same experience with him as I made my way into his office.

So, remarkable legislators, people who have done so much good for our country, so much good for our Commonwealth, and who do so much. For those who wonder about the quality of those of us who serve here, I think we can only be proud. They have only elevated the stature of this most remarkable institution and that which we all seek, which is to be a Member of Congress, and do so in a way that is intelligent, with great integrity. None of us will have the wit, though, of BARNEY FRANK.

Mr. MARKEY. I thank the gentlelady, and I yield to the gentleman from Worcester, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the dean of our delegation for yielding me the time.

Let me just say that it is a real privilege to serve in the Massachusetts delegation. I think some of the most colorful and effective political personalities have come from Massachusetts. And I'm proud to be part of this delegation. But I'm particularly proud to be part of a delegation that includes JOHN OLVER and BARNEY FRANK. My new district includes many of the towns and cities that JOHN OLVER has represented over the years. As I've gotten to know these communities, I've gotten to realize how much love the people of these cities and towns have for JOHN OLVER, how much they appreciate his incredible work. And I have also come to appreciate all that he has done: transportation and infrastructure projects; new

quality, affordable housing; protection of open space; daycare centers; support for colleges and universities. And I can go on and on and on.

As NIKI TSONGAS pointed out, his intellect is unequaled. Sometimes it's a little bit intimidating. I'm afraid to ask JOHN OLVER a question because I don't want to know that much. Nonetheless, there is nobody who knows more detail about every single project in every single community in his district than JOHN OLVER.

JOHN's a quiet man, but he's a determined man. He's someone with deep, strong convictions and someone who has a spine of steel. He cares about people halfway down the block and he cares about people halfway around the world. I had the unique experience of engaging in civil disobedience with JOHN not once but twice, protesting the genocide in Darfur. And we shared time in a cell together on two different occasions. A lot of people wouldn't expect JOHN to be involved in that type of protest. But he was there. He was there because he thought it was important. And he thought it was important that the world know that people are watching what was happening in Darfur and in the Sudan. He's taught me a lot, and I value his friendship very much. I'm going to be his new Congressman, so I expect I will hear from him on a regular basis.

As for BARNEY, I will miss him, like everyone here, very, very much. When I was an aide to Joe Moakley in the early 1980s, no matter who Joe Moakley was meeting with, he had the TV on, watching the proceedings on C–SPAN. But when BARNEY came to the floor, he'd tell everybody to be quiet, shut up, and listen. This is going to be good. And he would increase the volume and everybody would sit there and watch BARNEY FRANK in action.

There is no one I enjoy and there is no one I think most of my colleagues enjoy seeing debate on the floor than BARNEY FRANK. And I would say that there is probably no one the Republicans fear more during debate than BARNEY FRANK. He has the ability to be able to make the most important points but also maintain a sense of humor. It has been one of the reasons why he's been so effective.

I have had the good fortune of sharing communities with BARNEY over the years. We represented the city of Fall River together. And I think it's important for people to know that in addition to being this national leader, BARNEY FRANK is also a very effective bread-and-butter, nuts-and-bolts politician who cared very, very deeply about every single issue that occurred in his district, whether it was an economic development initiative, whether it was a bridge or a road, whether it was helping a veteran get his medals from World War II or helping Mrs. O'Leary find her lost Social Security check, or becoming the champion of fishermen on the east coast. He immersed himself in these issues, and he was an unbelievably powerful spokesperson for all these issues.

But BARNEY is not only, in my opinion, a great Member of Congress. He's also a very, very good man. Look at the causes that he has championed. We've heard about his efforts on behalf of LGBT rights, civil rights, human rights, affordable housing, a voice for working families, reining in the excesses of these financial institutions on Wall Street. But for me, what I have admired about him is that he has been a steadfast and unequal voice on behalf of poor people in this country. I regret very much that so much of what goes on here in Washington neglects paying attention to the very least among us. And BARNEY has been out there, even though it's unfashionable, talking about the need for affordable housing for people who are poor, making sure that people have enough eat, making sure that people get what they need so they can have ladders of opportunity to succeed. And I'm going to miss his voice on those issues in particular. Because, to me, they're so important. I happen to believe if government stands for anything, it ought to stand for the most vulnerable in this country.

So, BARNEY, thank you. One other thing. My mother wants you to run for Senate. She told you that at the airport. She wanted me to tell you that again. But I will close by saying that it is with great affection and love and friendship and so much respect that I stand here tonight to pay tribute to two people who I think are giants in this institution: JOHN OLVER and BARNEY FRANK.

I thank the dean for yielding me the time.

Mr. MARKEY. I thank the gentleman.

I yield such time as she may consume to the leader of the Democratic Party, the gentlelady from San Francisco, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Tonight, we come to the floor to pay tribute to two people—BARNEY FRANK and JOHN OLVER—who, in many ways, could not be more different. They are the same in this respect: they have made important marks on the Congress of the United States. What is special about them is that they are so different. But in their shared values, in their effectiveness, their knowledge of the issues and their ability to persuade our colleagues to join them in a vote, they share that talent, especially those values representing Massachusetts in the Congress.

I had the privilege of serving with JOHN OLVER on the Appropriations Committee. So I saw firsthand and very close up his extraordinary mastery of the facts and the substance before us and his political astuteness to find a way to get the job done as a chairman and ranking member of an important subcommittee of Appropriations, Transportation, better known as THUD. He's a cardinal on that committee. That's what they call them. So as a cardinal, he commanded a great deal of respect from our colleagues, though that came easy to us because, as I say, we knew him well, his values and his judgment.

I want to point out one thing in particular, and that is he always had an interest in promoting or empowering women, whether it was in the Congress or in the country or in the world. There were some early conversations I had with him about human rights violations against women—against anyone—but his concern was deep and knowledgeable. In Congress, he was supportive of advancing women into positions of power here. I can speak of that firsthand. And also for women in the country. His wife is an academic, as he is. Having served in this Congress all this time, you can still be considered that—an intellectual. Again, he always knew of what he spoke. He brought great passion, judgment, and deliberativeness. He was very deliberative in getting a job done.

□ 1950

So it was an honor to call him ''colleague.'' He brought a special contribution to the Congress. Thank you, Congressman JOHN OLVER, for your leadership, for your friendship.

Again, sitting there next to BARNEY FRANK, who is a phenomenon, a force of nature, somebody very special to all of us; unique in terms of his incredible intellect and, in some people's opinion, great humor—his and mine, for two. To serve with him is really an experience. We learned from him not only every time he spoke, because he spoke with such wisdom and knowledge of the subject, but also we learned from him how to get his attention, hold it—but not too long—and move on with whatever idea we had in mind.

I had the occasion when I came to Congress the first time to call BARNEY and say, I'm so offended by what is going on on the floor. They're saying terrible things about people there who are in need, and the rhetoric went on and on and on and on.

When I got to the end of it, he said, Why are you calling me?

I said, Well, I want to know, what are we going to do about it?

He said, What are you going to do about it? And next time you call me, just get right to the point right from the start.

Well, that was very good advice. Now when I speak, I say, BARNEY, subject, problem, action needed, timing. And now we've gotten along great for decades. As one of my friends, John Burton, would say, he just wanted to know if you enjoyed the movie; he didn't want to know if you had butter on your popcorn. Just spare me the extra information that was not needed by him.

So I first basked in his aura at the Banking Committee, where he was a leader on the Housing Subcommittee. We had that in common, representing Boston and San Francisco, two cities

with the high cost of housing and knowing that we had to meet the needs of people who could not afford that high cost. So that respect for people's need to have the dignity of a home, no matter what their economic situation was, was, again, his commitment, as others have mentioned, to those at the lower place on the economic scale. So housing, affordability of it, the stock of it, the housing opportunities for people with HIV and AIDS, all of those kinds of issues. As you can imagine, he had the full view of it all in a way to get the job done.

Discrimination—everybody has talked about it this evening, but it's a very transformative thing to see BARNEY talk about discrimination, how it affected him, could have affected him in his life, and how he didn't want that risk to be taken by other young people who might have had some questions about their sexuality and the rest.

I remember when we were doing the hate crimes bill, fully inclusive hate crimes bill. It was really a very important bill that some people would have to take a political risk to vote for in their districts. When BARNEY came to the Caucus and spoke about it, he said, I'm the chairman of the Financial Services Committee. Important leaders of the financial community beat a path to my door. They want to hear what I think on subjects and tell me what they think. But I wasn't always the chairman of the Financial Services Committee. I was once a 16-year-old boy who had questions. I identify with those little boys now, those young people now, and that's why this was important. It was following the Matthew Shepard murder and all that that implied.

But for him to have the generosity of spirit to share his innermost thoughts about his own life and how that instructed him to act, it was almost a moral imperative for him to act. He had a special responsibility, because of his own personal experience, to act. And Members just responded to him. He spoke to them in a very personal way. They responded to him in a very personal way, and we passed something very, very important for our country and discrimination.

I remember the first time we passed the amendment to repeal Don't Ask, Don't Tell. Oh, my gosh, it was so exciting. It was so exciting. So I went up to BARNEY after the vote and I said, BARNEY, you're making history today.

He said, Yes, because we repealed Don't Ask, Don't Tell.

I said, No.

Because we did this amendment on the Defense authorization bill?

I said, No, not because of that. That's history, yes, but we're making history because today you're going to vote for your first Defense authorization bill which has funding for the war in Iraq and Afghanistan.

So, in any event, knowing that we had a greater good, a separate issue to deal with and people were waiting to see how Congress would act, he of course made history by not only voting for an amendment to repeal Don't Ask, Don't Tell, but for the Defense authorization bill. Many like-minded and thinking and voting people who follow BARNEY's lead followed him down that path so that a bill would pass.

But it just goes over and over again. It's the consumer, protecting the taxpayer, protecting the consumer; the bill, Dodd-Frank, of such magnitude and scope, having such important implications for, again, protecting Main Street. He was masterful, not just because he was protecting the consumer, but because he understood the balance that was necessary in the legislation. That was really a mark of his leadership all along. He always respected the views of all stakeholders and any initiative that was put forward.

I see by the walking around of the dean of the Massachusetts delegation that time may be short, so I will reduce my remarks. But I did want to make sure people knew what an important force he was in providing affordable housing in our country, ending discrimination in every possible way—I just named two—in the fight against HIV and AIDS, in protecting the consumer and the taxpayer, and Dodd-Frank.

I know that any of us who were at his wedding and any of us who danced with him at his wedding know that that was a special privilege indeed not shared by many, but a compliment indeed.

He will be very missed. He will be missed for his intellect. Every time he spoke, we learned. He will be missed for his intellect. He will be missed for his parliamentary prowess. He was a master of parliamentary procedure and, I think, revelled in playing that role on the floor of the House.

Again, always values based, loved his district, proud of the State of Massachusetts, and, really, a national figure that will go down in history as one of the greats to have ever served in the House of Representatives.

Flamboyant—he's given me fashion advice, which is interesting getting fashion advice from BARNEY FRANK. But I valued that. If he took the trouble or had the thought to make the point that I should give away a particular article of clothing because—not known for his sartorial splendor, nonetheless, if he made a point about it, he knew that there was some truth to whatever view he was expounding.

So with that, I'm honored to join the Massachusetts delegation to sing the praises of two great leaders as they're different in terms of style, but significant, both of them, in their contribution to our country: Congressman—otherwise known as Chairman—JOHN OLVER, the cardinal from the Appropriations Committee, and Chairman BARNEY FRANK, it's an honor to serve with you, a privilege to call you friend. Thank you for your service to our country.

Mr. MARKEY. I thank the gentlelady.

I yield myself such time as may remain in the hour. Since my time is about to expire, I would ask if it were possible for the gentleman from Indiana to be able to yield 5 minutes to me as the opening part of his Special Order.

Mr. BURTON of Indiana. Madam Speaker, the gentleman, the old man, or the dean, as they call him, of the Massachusetts delegation, has asked if we would give him some of our 1-hour time, and I would like to ask unanimous consent that we give him—how much time do you need? Five minutes? An additional 5 minutes.

The SPEAKER pro tempore (Ms. HAYWORTH). The gentleman's request cannot be entertained. The gentleman has 1 minute remaining. Then the gentleman from Indiana will be recognized, at which point he could yield time.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. If BARNEY FRANK were down here, none of this would have happened in terms of the understanding of the parliamentary procedure. He was up there trying to grab the imaginary microphone so he could clarify the parliamentary situation.

□ 2000

I will conclude this part just by saying, again, that JOHN OLVER has been for us just an invaluable colleague. He taught all of us so much about our own districts. The other Members have mentioned it, but when he sat down with us talking about transportation, he explained our own districts to us in terms of what was possible and what was needed.

On climate change, I've talked to him over 20 years about the issue. He was on this issue in the early 1990s and probably understood it even before then. He is that smart. He is that visionary in terms of the issues that are central not just to Massachusetts but to our planet. And it has been my great honor to have served with you, JOHN, and to have called you my friend and my colleague over all of these years. We all thank you so much for what you have done for us and done for the country.

Thank you. Thank you so much.

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

MY FAREWELL MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, I yield 5 minutes to my colleague from Massachusetts.

Mr. MARKEY. I thank the gentleman very much.

Now, on BARNEY Frank, BARNEY Frank is at the same time the smartest Member and the wittiest Member of

the United States Congress. That is quite a double to be able to pull off. He has a nuclear power plant for a brain. There is absolutely nothing that he cannot recall when he needs it here in this legislative process.

Now, over his career, he is usually right, but too soon for many people to be able to accept. That is how far ahead he was on so many of the issues which we worked on here in the House of Representatives. His political philosophy is, if you want to negotiate, he wants peace. He would love to negotiate with you. He knows that he will out-negotiate you. But if you want political war, he enjoys that, too, because he does not see it as a sprint but as a marathon heading towards that day when the truth will ultimately prevail.

When he was in the State legislature, when I served with him, when we had monumental battles on whether or not to reinstitute the death penalty in Massachusetts, whether or not we were going to have a black senate seat in Massachusetts, it was BARNEY Frank who led the efforts to sustain the veto that would make sure that our State would still be the leader in progressive causes.

Here in Congress, the debate on NATO burden sharing, the way BARNEY would frame it for people is, we helped these people, it's now late into the last century and into this century, and we can't any longer take from the poor people's programs in this country in order to, in fact, pay for the defense of Europe. It was time for Europe to pick up their own fair share of the burden. The same thing was true with fighting for fishermen. The same thing was true with issue after issue out here on the House floor.

Dodd-Frank, which was debated right here on the House floor, the same place where Abe Lincoln was trying to get the votes to abolish slavery, same seats, BARNEY Frank led the effort to create the new financial services constitution for the 21st century in not just the United States but on the whole planet. And there were some provisions that were so important, that is, creating a Consumer Protection Bureau, that they would rather have ELIZABETH WARREN as a Senator than have her be the head of the Consumer Protection Bureau inside of Dodd-Frank, and that's just a small part of the totality of that bill.

BARNEY's message always was to stand up and have courage. Stand up for what's right, even if you don't win early. He has been a parliamentary and a substantive cop on the beat walking around here on the House floor, using the microphone as his nightstick in order to make sure that nothing happened here that was wrong would go uncommented upon so that people would know what should have been happening.

Back in the Massachusetts legislature in the early seventies, the mid-1970s, BARNEY decided to make amendments on gay rights. Discrimination was rampant, but no one was raising the issue across the country. And so we started to have votes in the Massachusetts legislature. BARNEY was on the losing side. He knew he would lose early on. But, ultimately, those defeats led to the victories which we talk about today. Out here on the House floor, BARNEY was the lead opponent of the Defense of Marriage Act. He knew that even if he was on the wrong side, he was going to stand up and make sure that everyone else knew ultimately what the right side would look like.

There was one day I was standing right here at this microphone, and I was talking about oil subsidies that I felt were unjustified, and I said:

> Giving a subsidy to an oil company recording record profits would be like subsidizing a fish to swim or a bird to fly. You just don't have to do it.

I was feeling quite good about myself. I finished, and I just walked over here, and BARNEY stood up and came over to me, and he said, you know, you didn't finish that. And I said, finish what? Well, the whole stanza:

> Fish gotta swim and birds gotta fly.
> I'm gonna love that man till the day I die.

That man is Jim Ready, and BARNEY is now married to him.

It's because of his efforts in making it possible to change the culture in our country that BARNEY is going to love that man until the day he dies. But it took a lot of courage, and it took a lot of foresight to know that that day would arrive.

So, yeah, and NANCY PELOSI said it—the Mount Rushmore of Massachusetts: Congressmen Tip O'Neill, Joe Moakley, and BARNEY FRANK. He's going down in history. And we all know it. On so many different fronts, he changed the way America thinks. And it's quite a gift that he had and that he gave to the country.

So for both of them, it has been just an enormous privilege for all of us to serve with you, and I think everyone on both sides of the aisle knows that there was greatness in our delegation and that it was an honor, JOHN and BARNEY, to have been able to serve with you for all of these years. Thank you all so much.

Mr. BURTON of Indiana. Madam Speaker, let me just follow up on what was just said and say that BARNEY Frank and I have had a lot of differences over the years, but we've also found times when we could work together. In fact, we even cosponsored a bill one time.

So BARNEY and your colleague, I wish you both the very best, and hopefully we will run into each other along the road in the future.

Madam Speaker, let me just make a couple of comments to my two colleagues who are going to follow me on this Special Order. They have told me if I talk too long they're going to hit me in the head with a ball bat, so I'm not going to talk too long tonight. But I do want to say a couple of things.

First of all, let me start off by saying that Daniel Inouye, Senator Inouye, I never met, but I read in the paper many years ago the exploits of Daniel Inouye when he was in the military. A Japanese young man whose family was put in a camp during World War II, and he volunteered to go into the military. He became an outstanding member of the military. In Italy there were exploits that he performed that won him the Congressional Medal of Honor. And you don't get that unless you are really an extraordinary human being.

□ 2010

He took out an enemy position, a German position, when he was hit again and again and again. He lost one of his arms, and he just kept going. I wish he were still here today. I called him on the phone when I found out about that, and I told him I had never met him, but I wanted him to know that there were Members of the House who really thought he was an extraordinary man. And he was, and I'm sure he's going to be missed.

I've been here 30 years, and I'm retiring at the end of this term. I thought I ought to have at least a little bit of a swan song, maybe 5 or 10 minutes where I could talk to my colleagues a little bit about what's happened over the 30 years.

When I first came here, I was a very young man, and I knew everything. You couldn't tell me anything. Now that I've been here 30 years, I realize I didn't know much of anything, and I probably know less now than I did then. In fact, I just found there were a couple of things I missed along the boat with the Parliamentarian.

There are a couple of things I would like to comment about, and that is we have 435 Members in this House and 100 Members in the Senate. We start working with each other and we work together, but we really don't know much about each other. I don't know much about your background, Madam Speaker. I don't know much about my colleagues' background. We work together, and we don't know whether we were poor, rich, well educated, or uneducated; and we work together.

The thing that really has bothered me as the years have gone by is that I see things happen to my colleagues about whom I know very little, and it bothers me. One of the leaders on the Democrat side of the aisle lost his wife a few years ago, and it wasn't for several months that I even knew about it. I've had a number of my colleagues who've lost their kids, who have gone through all kinds of tragedies in their families, and I think many of my colleagues don't know much about it. We just go on, and we continue to have the vitriolic conversations and debates that we have, and we don't realize that we haven't walked in the other guy's shoes very much.

I thought tonight I would just maybe take a minute or two—and I'm sure that most of my colleagues are out

doing something else, but maybe they'll get a chance to hear what I'm saying tonight. But whether we're Democrats or Republicans, liberals or conservatives, we ought to think about the other guy and the other gal who's working so hard to get their points across and who may be going through tragedies that we don't even understand or can't even imagine. We need to think about walking in their shoes just a little bit before we're so critical.

Time goes by so fast. I've been here 30 years, and I can remember the first day I walked up the steps of the Capitol with my family and the television camera was following me. I thought, man, this is going to last forever. I thought my kids would be with me forever, my staff would be with me forever, and my wife would be with me forever. She passed away about 11 years ago. Fortunately, I have another wonderful wife. But you go through all these tragedies, and it goes by so fast and you just don't realize it. And you don't take the time to smell the roses until you're just a little bit older and have missed so much.

If I were saying something to my colleagues tonight, I would say, Do your very best and explain yourself the very best that you can, but realize that the other guy who has a different point of view than you really believes most of the time in what he's doing, and we ought to be a little more tolerant and don't criticize him too much until you've had a chance to walk in his shoes.

According to General Patton in the movie ''Patton,'' he said, All glory is fleeting. It's true. I see these young guys come in who are like me and these young ladies come in, and they're going to whip the world; they're going to change this world overnight. I try to talk to them in an elderly, fatherly way, I guess you would say. I'd say, Have you ever been around the Capital and looked at all the statues? And they'll say, I've looked at a few of them. I'll say, Have you ever seen some of pictures around here? They'll look and they'll say, Oh, yeah, we've seen them. I'll say, Do you know who they are? And they'll say, Well, no. I'll say, Well, they were Speakers of the House and Vice Presidents and Presidents of the United States, and you don't know who they are. And they'll say, That's right. I say, Remember this. You think you're going to be remembered. You're going to do your best, but you're just going to be a footnote in history, one line in a history book. So don't take yourself so seriously. Do the best you can, and fight for the things in which you believe, and stick by your principles. But don't go around thinking that you float on air and that you're something special because you're just another Congressman. We've had about 12,000 Congressmen and Senators in our history, and you're going to be one of them. It's an honor to be able to be numbered among those; but remember, there were Ceasars who ruled the world, and you don't even know who they are. So be a little more realistic when you start thinking about how important you might be because, really, all glory is fleeting.

I want to read to you something here, a couple of poems. Bear with me for just a minute. The first poem is called ''A Bag of Tools'':

Isn't it strange how princes and kings,
and clowns that caper in sawdust rings,
and common people, like you and me,
are builders for eternity?
Each is given a bag of tools;
a shapeless mass; a book of rules.
And each must make, ere life is flown,
a stumbling block or a steppingstone.

I hope my colleagues will all try to make their lives a steppingstone.

I want to talk about a guy that served not in this Chamber, but another Chamber. He was a House Member. I'll tell you a little bit about him, and it's in a poem. It says:

A squalid village set in wintry mud.
A hub-deep ox-cart slowly groans and squeaks.
A horseman hails and halts. He shifts his cud
And speaks:
''Well, did you hear? Tom Lincoln's wife today.
The devil's luck for folk as poor as they.
Poor Tom! Poor Nance!
Poor young one! Born without a chance!
A baby in that God-forsaken den,
That worse than cattle-pen!
Well, what are they but cattle? Cattle? Tut!
A critter is beef, hide and tallow, but
Who'd swap one for the critters of that hut?
White trash! Small fry!
Whose only instinct is to multiply!
They're good at that,
And so, today, God wot! Another brat!
A squawking, squalling, red-faced good-for-naught
Spilled on the world, heaven only knows for what.
Better if he were black,
For then he'd have a shirt upon his back
And something in his belly as he grows.
More than he is like to have, as I suppose.
Yet there be those
Who claim 'equality' for this new brat,
And that damned democrat
Who squats today where Washington once sat,
He'd have it that this Lincoln cub might be
Of even value in the world with you and me!
Yes, Jefferson, Tom Jefferson, who but he?
Who even hints that black men should be free.
That feather-headed fool would tell you, maybe
A president might lie in this new baby!
In this new squawker born without a rag
To hide himself! Good God, it makes me gag!
This human-spawn
Born for a world to wipe its feet upon
A few years hence, but now
More helpless than the litter of a sow,
And—oh, well! Send the women-folks to Nance.''
''Poor little devil! Born without a chance!''

Then I want to say to my colleagues one more thing, and then I'll stop. This is when you speak on the floor. I hope my colleagues will get a chance to read this because it's really important:

Drop a pebble in the water: just a splash, and it is gone;
But there's half-a-hundred ripples circling on and on and on,
Spreading, spreading from the center, flowing on out to the sea,
And there is no way of telling where the end is going to be.
Drop a pebble in the water: in a minute you forget,
But there's little waves a-flowing, and there's ripples circling yet,
And those little waves a-flowing to a great big wave have grown;
You've disturbed a mighty river just by dropping in a stone.
Drop an unkind word, or careless: in a minute it is gone;
But there's half-a-hundred ripples circling on and on and on.
They keep spreading, spreading, spreading from the center as they go,
And there is no way to stop them, once you've started them to flow.
Drop an unkind word, or careless: in a minute you forget;
But there's little waves a-flowing and there's ripples circling yet.
And perhaps in some sad heart a mighty wave of tears you've stirred,
And disturbed one who was happy, ere you dropped that unkind word.
Drop a word of cheer and kindness: just a flash and it is gone;
But there's half-a-hundred ripples circling on and on and on,
Bearing hope and joy and comfort on each splashing, dashing wave,
Till you wouldn't believe the volume of the one kind word you gave.
Drop a word of cheer and kindness: in a minute you forget;
But there's gladness still a-swelling, and there's joy circling yet.
And you've rolled a wave of comfort whose sweet music can be heard
Over miles and miles of water, just by dropping one kind word.

□ 2020

So, if I were talking to my colleagues tonight, I'd say to think about your colleagues and their families and the troubles that they have and the heartache they're feeling, and to think about the words that you're saying to them and the kind of attitude that you're creating in your colleagues and their families by the things you're saying. Fight for the things you believe in, but remember, there's another human being over there who can be helped or hurt just by what you're saying on the floor of the House of Representatives or in the United States Senate.

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

WHAT CAN YOU SAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 40 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Thank you, Madam Speaker.

Before my colleague DAN BURTON leaves the Chamber, I just want to say thank you. Thank you for your thoughtful reflections here.

I should tell the Speaker, as well as everyone who might be watching, that we were teasing you a moment ago because you said you were only going to speak for 10 minutes, and I said, DAN BURTON, you've never spoken for 10 minutes in your life. You're going to go a lot longer than that.

You held it to about 10, and your words were not only precise but deeply thoughtful and meaningful, and I think they're an outstanding tribute to you in leaving this body. I want to thank you for your personal friendship to me and for your words of admonition to the rest of us to try to be a little bit kinder, a little bit gentler.

I think it's important for people to know—and you alluded to it—that, over a decade ago, your own wife died. The caregiver for your wife, as she had cancer, was Samia, who became your friend and who became a friend of your family's, and your own children encouraged you to, perhaps, pursue a relationship with her, and now she is your lovely wife. It has been a pleasure to see you so happy in these last years of public service, but we really appreciate your dedication and passion to serving this Nation. So thank you so much.

Madam Speaker, I would like to turn to another topic now. I sat in my office last night, looking at the pictures of the precious little children who were killed in Connecticut last Friday. What can you say? My heart breaks for them and their parents and for the people of Newtown. I looked at the picture of little Caroline Previdi, one of the 6-year-old children who died. I'm sure she was a happy child, full of life's potential just like my own little Caroline, who just turned 7 a few days ago. What can you say? It's unthinkable that a person would kill innocent little children with such cravenness and violence. These children's Christmas presents are still under the tree. Their moms and dads are still looking at them.

In this town where we pride ourselves on rhetorical flourish, precision of thought, and volume of words, what can you say? What can you do other than stand in solidarity, in spirit, with the grieving families, and perhaps—just perhaps—hug those you love a little bit tighter?

Now the Sandy Hook Elementary School tragedy is sparking a national debate about how and why this happened and about how it might have been prevented. That debate is understandable and needs to happen. In the coming weeks, Congress will be called on to react. Questions have already arisen about guns and school safety and emergency preparedness. But these concerns and debates may bypass altogether some of the deeper, more difficult issues involved, like what we grappled with after the tragic shootings of the young people at Columbine High School and on the Virginia Tech campus.

What we must do is be honest. Yes, there were guns involved. Yes, there are issues of school safety. Yes, there was a collapse of mental health intervention. But I have not heard a significant discussion of the broader cultural context in which this and other tragedies have happened.

All of these tragedies happened against a backdrop of a culture that increasingly devalues and degrades human life. Graphic acts of violence and inhumanity pervade popular culture, entertainment, and other venues that vie for our attention. In flipping through the channels recently, I saw on a ''Law and Order'' show, ironically, a man shot in an elevator and the blood splashing on his attorney. Seconds later, we move on to the next scene or to the next commercial without consequence.

We are supposedly entertained by this, and of course the producer gets the profit, but who really pays? Society grows increasingly numb to the increasing levels of wanton brutality, cruelty, and indignity, all celebrated for profit. Perhaps most of us can shake it off or just turn it off, but what happens when a person of limited stability sees these images over and over again? We preach tolerance for one another, but we fill our culture with grotesque and inhuman depictions and expect that there will not be consequences.

Madam Speaker, I am sure there are any number of Ph.D.s out there who will somehow refute that there is a correlation between this aggressive assault of images constantly before us and the recurring violence that is all around us. Instead, we want simple answers and quick fixes, and then we'll just move on.

I suggest that we look inward to regain a deeper understanding of what it means to be in community, in a common bond with neighbors, where persons are not in isolation, where check mechanisms are so ordinary that persons are not simply roaming around, disconnected from communities of concern, family life, mental health treatment, or swift enforcement action, whatever is needed. A single and simple policy response from Washington cannot fix this. We all want to have a more caring and supportive society, but the fragmentation of family, civic, and our Nation's community life lends itself to isolation, anger and, for some, even despair.

Let's be clear: this tragedy is the result of a deeply disturbed person who committed unspeakable crimes. That is where the blame rests. But perhaps an outcome deserving of these children who died is that we all take some responsibility for the degradation of culture—what we think about, the way we conduct ourselves—and perhaps strive for that which is noble, for that which is good, and for that which is just.

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

MY DAYS IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 32 minutes as the designee of the majority leader.

Mr. BARTLETT. Thank you, Madam Speaker.

I would like to echo the concerns of my colleague. We are changed, we are affected by what we see, by what we hear, by what we listen to, by what we watch. You cannot swim in a sea of violence and not be affected by it. I know we have a Constitution and an amendment which guarantees freedom of speech, but you don't have a right to do what is wrong, and it is wrong that our entertainment media is placing before, particularly our impressionable young people, these unending scenes of violence in these video games.

□ 2030

You know the unbridled expression of when one right infringes on another, we limit that right. You do have a right of freedom of speech; but still, you can't yell ''fire, fire'' in a crowded theater if there is no fire because people could get hurt in trying to get out. That same philosophy, I think, would permit us to limit the kinds of entertainment and violence that pervade our society.

I know there are many factors as to what caused this tragedy, but certainly this could be one of them, particularly to people who don't have all of the faculties that the average of us have for contending with changes in our environment.

I would like also to refer back to comments that my good friend DAN BURTON made that so little is known about us here. We kind of appear here, Madam Speaker, almost as if we were the products of spontaneous generation and there we are in front of the microphone and a million, a million and a half people out there are watching us. Just who are we? So I thought I would spend just a moment doing what I probably should have done 20 years ago and kind of introduce myself.

I was born in 1926. If you are doing some quick math, yes, that means I'm in my 87th year. Our family hardly knew that there was a Great Depression. We were just as poor before the Depression as we were during the Depression.

I was the first member of my immediate family to graduate from college. I wanted to be a medical missionary, and so I was studying theology and I was taking science courses so that I could go to med school. And I had a really, really good science teacher, and I took all of the courses he offered and enough more so that when I graduated from college, I not only had a degree, a major in the Bible and a minor in homiletics—that's a degree in theology—I also had a major in biology and a minor in chemistry. And I had decided not to go to medical school, and I wanted to go into the ministry; but I was 21 years old and I looked 17 and I wasn't married, and you don't have a big, immediate, bright future in the missionary looking 17 and not being married and so they advised me to occupy myself until I got older and got married.

And so I went to graduate school, and I got a master's and a doctorate and

committed myself to being a very serious basic researcher. I taught medical school for 4 years. I worked at the National Institutes of Health. I went to a lot of professional scientific meetings. I have about 50 papers in the basic scientific literature.

And then I had kind of a strange twist to my career when I went as a basic researcher to the School of Aviation Medicine at Pensacola, Florida. They had some problems that I thought I could solve. I was a farm boy. I live on a farm now; I've always lived on a farm. You kind of learn to make do. I thought I could fix some of the problems they had. That resulted in the awards of 19 military patents as a result of fixing some of those problems that they had.

That started a career of working 20 years for the military. I should mention that I returned to my basic first love and that was teaching, and I taught for another 20 years. Also, my wife and I ran a home construction business. Congressman BEN CARDIN said ROSCOE was green before it was cool to be green. I was building solar houses back in the late seventies and early eighties and selling them for, I remember, as much as 17 percent interest.

Then I was retired for 5 years, and I ran for Congress. I tell you, there's nothing I have done that has given me the fulfillment and the satisfaction as serving the constituents of the 6th Congressional District of Maryland. For 20 consecutive elections, 10 primaries and 10 general elections, they returned me to the Congress. I want to thank my constituents very much for that vote of confidence. That was really largely due to the fact that I had such an incredible staff that did a really good job of making me look good in spite of all of my limitations and frailties.

Most of my commitment in the Congress has been in the Armed Services Committee. You can only have one chairmanship here. And for the last dozen years or so, those chairmanships have been in Armed Services. I shared leadership of one of those subcommittees, the one that has responsibility for the Navy and the Marine Corps, with my good friend Gene Taylor from Mississippi. I was his chair for 4 years and then he was my chair when we changed leadership here in the Congress for 2 years. We are term limited on our side of the aisle, so I had to leave that subcommittee.

But while I was there, Gene and I changed the course of our Navy for the future. In the future, all of our major surface combatants will be nuclear. It didn't make any sense to us that our aircraft carriers, which are nuclear and fueled for 30 years, cannot function without their escort ships that are fueled for about 5 to 7 days. And if there are no tankers out there to refuel them, our aircraft carriers cannot function. That didn't seem to make any sense to us, and so we pushed and finally got it through. Our future Navy major surface combatants are going to be nuclear.

We also had responsibility for the Marine Corps, as I mentioned, and the IEDs and MRAPs; and I was honored to work with my friend, Gene Taylor, and we shepherded the MRAPs and its development—$47 billion. It saved a lot of lives in the most asymmetric war in the history of the world.

I thought I might spend the few moments that remain kind of looking back at those times I've come to the floor. I came here to talk about four different things in Special Orders, and I thought I might spend just a few moments talking about those things.

I probably got more calls in our office about a talk that I have given here probably four or five times. I called it ''What Made America Great.'' What I was trying to do was to go back and look at our history, to refute two big lies that are out there in our land. One of those is that our Founding Fathers were largely atheist and deist and they wanted to set up a country that was devoid of religion.

If you look at our history books, of course, that isn't true. What I did in that talk was simply go back to our Founding Fathers and look at their statements. I went back to our early Congress and looked at what they did, like buying 20,000 copies of the Bible to give out to our early constituents; like sending, paying for missionaries to go to the American Indians for 100 years. Our Congress did that.

And then I looked at our Supreme Court. Until they made that big decision about three-fourths through the history of our young country, they were devoutly supportive of religion. A case came to the Supreme Court about using the Bible in schools, and they said: Why shouldn't you use the Bible in our schools? Where else can you find so clear a definition of what is right and what is wrong?

And then I went to our schools and the ''McGuffey Reader.'' Some of our schools went back to that because we were graduating kids from college who couldn't read their own diploma. And so in desperation, they looked at, gee, what did work when our kids graduated from school and could read. The ''McGuffey Reader'' was one of those. He makes no apology. He quoted more often from the Bible than any other source.

One of our Founding Fathers was Benjamin Franklin, and some others, like Thomas Jefferson, were said to be deists. Now, what is a deist? A deist is someone who believes there is a God. They believe He created you, but He also set in motion some laws, and don't bother praying to Him because your destiny is going to be determined by how you relate to those laws.

I'm going to give a quote, not an exact quote, but pretty close to what Benjamin Franklin said, and let you decide if you think he was a deist or not. It was in Philadelphia. The Constitutional Convention was deadlocked. They might not get a Constitution. Benjamin Franklin, I believe, was the oldest member of that delegation, probably the most respected Governor of Pennsylvania.

□ 2040

And he rose to speak, and this is what he said:

> I'm an old man. I've lived a long time. And the longer live the more certain I am that God controls in the affairs of men. If a sparrow cannot fall to the ground without His notice, can a nation rise without His aid?

And then he went on to say:

> I move that, henceforth, we begin each of our meetings with prayer.

That started a precedent. I know that the 10 Commandments are coming down from the walls of the courthouse, and I know the nativity scene is disappearing from the public square. You still see it here, ''In God We Trust.'' And we begin each of our meetings here with prayer, and they do the same thing in the Senate on the other side of this building.

We've probably got more responses in our office to that talk, what made America great, and it's easy to refute those two great lies. Our Founding Fathers were Christians. They wanted to set up a Christian nation, and that First Amendment is very simple, very simple.

You know, they came here, most of our Founding Fathers came here to escape two tyrannies: the tyranny of the church and the tyranny of the crown. If you think about it, they all came from countries that had a king or an emperor, and so there was the tyranny of the crown.

If you also think about it, there was a state church. In England, it was the Episcopal Church; on the continent, it was the Roman Church. And those churches could and did oppress other religions, so they came here and they didn't want that to happen in their country.

And so they said something very simple and very straightforward, that they'd make no law respecting an establishment of religion. The state cannot establish a religion; otherwise, leave men free to worship as they please.

I have no idea how that's gotten warped into this idea that you can't be religious, that government has to be totally separated from religion.

By the way, that clause is in the Constitution. The separation of church and state, it's in the Constitution of the USSR. It's not in our Constitution.

Well, the second thing I came here to the floor to talk about when the debate was raging was the ethical embryonic stem cell procurement. Remember when George Bush came to office, there was a lot of research in stem cells, and we'd been using adult stem cells, but experts in the area—and I'm probably the only Member of Congress who has had a degree in advanced embryology, and so I knew a little bit about embryonic stem cells. And the experts all believed that there ought to be more usefulness of embryonic stem cells than

adult stem cells simply because they're totipotent; they will develop into anything and everything the body needed. An adult stem cell that's already kind of differentiated, you're somewhat limited in what you can do with it.

But to get these embryonic stem cells, they were destroying the embryo. Now, every year there's something like 40,000 embryos that are just discarded because the owners don't want them anymore and they won't pay for keeping them. They're frozen in liquid nitrogen, and so they're discarded.

And the argument was you can take one of these discarded embryos, it's going to be discarded anyhow, and you can crush it and you can get the stem cells from it. But before you do that, you look at it under the microscope, and there you see it, living tissue. Gee, that might be the next Albert Einstein.

When you're talking about them collectively, 40,000, it's easy just to say they're going to be discarded; when you're looking at that one under your microscope, a unique human being if you just give it the chance to be implanted and to grow in the womb.

But I knew that we could get cells from these early embryos and not hurt the embryo. How did I know that? How was I so sure of that? Well, you can take half the cells from an early embryo and it goes on to develop a perfectly good child, infant. How do I know that? Because the other half of those cells went on to produce another perfectly good twin.

In every case of twins that you see, identical twins that you see, half of the cells were taken from the embryo, and the other half went on—the Chairman of the President's Commission on Ethical Embryonic Stem Cells was an identical twin, and I asked him if he felt any less of a person because he was only half a person, because he's only half the embryonic cell. It's a perfectly silly question, of course. But then he said, Gee, that is a silly question, isn't it?

And I said, But that's what people are saying; if you are going to take a cell or two from an early embryo, somehow it's going to be less of a person when it develops.

I worked 5 years, nearly 6 years with the White House, with the Council of Catholic Bishops, with the right-to-life community, and we developed a bill that was passed unanimously in the Senate, and it failed on a technicality in the House. It came up on suspension. It got way more than half the votes, but not two-thirds of the vote.

So Bush gave it the effect of law because he supported it by making it an executive order. And the first executive order of this administration, the hand had hardly come off the Bible when our new President reversed that executive order. Had it become law—

And people ask me what was the greatest disappointment of my 20 years, and that was that my bill passed unanimously by the Senate couldn't have become law because it would still be because you would have to overcome a veto, and we would not have two-thirds of the votes to do that.

Well, a third thing that I came here to the floor to talk about was electromagnetic pulse. I had no idea when I first learned about this, but I called my friend Tom Clancy, because I knew that he had written a book where this was a scenario in his book, and he does really good research. So I asked him about EMP. He said, If you read my book, you know all that I know about it. Let me refer you to the smartest man hired by the U.S. Government.

That's a tall order because we hire a lot of people, but in his view, that was a Dr. Lowell Wood from Lawrence Livermore. And this was pre-cell phone days. Remember the pagers?

I paged Lowell Wood. He was supposed to be in California, Lawrence Livermore. Went up to the satellite and down, and he was within Washington and he got it, and within an hour he was sitting in my office.

Well, an electromagnetic pulse, we have only one brief experience with it in our country, and that was in 1962 in Johnston Island and the Starfish Prime, the only time we ever detonated a weapon above the atmosphere and we had no idea what would happen. It produced an electromagnetic pulse that caused a lot of disturbances in Hawaii, which was about 800 miles away.

The Soviets had a lot more experience than we. They actually developed, designed—we designed but never built them—an enhanced EMP weapon, a single, large nuclear—oh, I shouldn't say that because it doesn't have to be a large bomb because it could be a relatively small bomb that is EMP-enhanced.

A single appropriate bomb detonated 300 miles high over Nebraska or Iowa would blanket our whole country, and if the EMP radon was robust enough, it would essentially fry all of our microelectronics. The grid would be down for a year or more, and your car wouldn't run. And there have been a couple of books written on that subject. One I would recommend that's an easy read and a very well-researched book—and I commend Newt Gingrich, he brought the author to my office, and he mentioned this on the campaign trail.

Thank you, Newt.

This is Bill Forstchen's book called ''One Second After.''

I came to my office one day and there was a big book on my desk and there was a handwritten note in it. It was from a Dr. Lowrie. He was retired, a Ph.D. electrical engineer in his hospital room recovering from cardiac surgery, and he was surfing the television and he happened on C–SPAN and I was giving one of the half dozen talks that I've given on EMP, and he listened to it and got turned on and did a lot of research and wrote a book, about 700 pages.

I didn't think I could read a novel that long. It was so captivating. I read it, and it's called ''The Satan Legacy.'' The Satan was a big SS–18. It was one of the Soviet missiles with 10 nuclear warheads. And the story had one of them missing when they transferred from the Ukraine to Russia.

Now we know that several other things could also bring down the grid.

Oh, by the way, as a result of my work on EMP, we now have a permanent EMP task force in the Pentagon looking at our preparedness militarily. We have the EMP Commission, which functioned for four terms, that is 8 years. They have written classified and unclassified reports, and I would recommend that you get one of their unclassified reports.

But now there are several other things that could also bring down the grid. One of those is cyber. This is a whole new warfare that we've been in, and we hardly knew about it, but there it was raging. An appropriate cyberattack could bring down our grid.

And something that will bring down the grid—this is not an if, this is a when—and that's a giant solar storm. The only question is when will the next one come. And if we are not prepared for it—and we are not now—and if we do not prepare for it, it will bring down the grid.

And McClelland, the top person in that part of FERC, sat in my office and said that the grid would be down for a year and a half to 2 years.

□ 2050

That's a very long time to hold your breath. And there's another thing that could bring down the grid, and that is a terrorist attack. If you knew what the important substations were and you know which insulators to take out, it wouldn't take more than a dozen or so people with a .22 rifle.

Now why, when the grid goes down, can't you bring it back up? That's because in all of these instances, there's going to be surges of electricity that blow the major transformers. They simply won't melt down. We have a few spares, but a very inadequate number of spares. We don't make them in our country. You just order them. There's none available to order, by the way. You order one and they will build it for you. And it takes a year, year-and-a-half to 2 years to build one. And we don't build them in our country.

So I'm pleased that my efforts—which I started here on the floor talking about EMP—have resulted in a recognition that this is something we really need to deal with.

There's a fourth thing that I came to the floor to talk about, and I will spend the last few minutes of our time here together this evening talking about that, and that is energy. I have been to the floor, I think, 52 times; and most of those times I came here, I talked for a full hour. I was talking about not just energy generically, but a specific type of energy, and that is liquid fuels. Because when you're talking about energy, we really do have to separate liquid fuels from the other major carrier

of energy. It's not energy. It's the way you carry energy. That's electricity.

We shouldn't have any deficit of electricity with more nuclear power plants. Yes, they are safe. We've never lost a person operating them. With more wind machines, with more solar, with more micro-hydro, with more true geothermal, we need another word for these heat pumps that are looking not at the zero cold and trying to heat that up. It's like trying to make it colder to heat your house up in the wintertime or trying to heat up hot air to make your house cooler in the summertime.

If you're looking at 56 degrees here, that's a whole lot more efficient. We call that geothermal. We've got to have another word for that, because true geothermal is tapping into the molten core of the Earth. That, for all practical purposes, is infinite and will be there for a very, very long time. With these sources, we can produce all the electricity that we would like to produce, but that is not true of liquid fuels. They are finite.

One of the first people to recognize that—and he was for several years a pariah and then he became an icon—his name was M. King Hubbert. He gave what I think will be recognized as the most important speech of the last century. I believe that speech was the 8th day of May in 1956. And he gave that speech in San Antonio, Texas. He was an oil geologist. He gave it to a group of oil people.

As you look back in your history books, you will find that at that time we were king of oil. We produced more oil. We used more oil. We're still doing that. We're using more oil than anybody else. And we sold more oil and exported more oil than any other country in the world. And M. King Hubbert told them something that was just audacious and seemingly ridiculous. He said, Notwithstanding the fact that we are so big in oil today, in just 14 years the United States will reach its maximum oil production. And no matter what you do after that, oil production in the United States will go down.

How can he make that kind of a prediction? He made it because when he looked at an individual oil field, he saw that the exploitation of that field produced kind of a bell curve. Sometimes a little distorted bell curve, but kind of a bell curve. When you first started pumping, it really came out. And then you reached a peak and then it was harder and harder to get it out until finally it tailed off and you'd gotten all you could out of the well.

So he rationalized that if he could add up all the little fields in the United States, he could get all the little bell curves and you get one big bell curve. When he did that, it reached its maximum in 1970. And so he made that prediction in 1956. Right on schedule, in 1970, we reached our maximum oil production. And no matter what we've done since then, like building more oil wells in all the rest of the world put together, for instance, today we produce about half the oil we produced in 1956.

The second speech—and I don't know if these two men even knew each other—was given by Hyman Rickover just about a year later. It was the 14th day of May, 1957. It was a speech given in St. Paul, Minnesota. And you can pull this one up. It was lost until a few years ago. Just Google for Rickover and energy speech and it will come up. I think you will agree with me that it was probably the most insightful speech in the last century.

And in it he noted that oil is finite. He said in the 8,000—I didn't think it was that long; those are his numbers—in the 8,000-year recorded history of man, the age of oil will be but a blip. We're behaving as if it's going to be forever. He called it this ''Golden Age.'' Please, please Google for Rickover and energy speech and pull it up. I think you'll be fascinated by the speech.

One of the things he said in it was how long it lasts is important in only one regard: the longer it lasts, the more time we'll have to plan an orderly transition to other sources of energy. That's not quite what we're doing. And I'm not sure that he would agree that drill, baby, drill is an orderly transition to other sources of energy.

I have just two charts of the probably hundred-or-more charts that I've used from time to time in talking about this subject—and the subject is peak oil.

Let me show you these two charts. This is a chart that ends in 2008, and it has the oil production followed by the two major entities in the world that have the most credibility in this—the EIA, the Energy Information Administration, and the IEA, the International Energy Association, which is a creature of the OECD in Europe. And these were their two curves. You see they're leveling out up there. The headline was: ''Peak Oil: Are We There Yet?''

And I want to show you another chart. And you can not find these curves anymore. They were kind of disquieting, and they're taken down from the Web site. These are the curves put up by the IEA, International Energy Association. Here we're following the production of oil. You can go back here—way, way back for hundreds of years. Every time we needed more, we could produce more oil.

The different colors here, natural gas, liquids on top—they have that growing. That will grow. Nonconventional oil, that's from the oil shales. That's growing. That will grow. The dark red there really should be a part of the blue down here. It's just enhanced oil recovery, squeezing a little more out of the fields we're pumping from, like putting live steam down there and CO_2 and so forth to force it out. This is the fields we're now pumping, and they're admitting that we're reaching peak oil, plateau here, because they have them tailing off.

Now, this chart was done in 2008, and the one below it was done in 2010. I'll come to that in just a moment.

In order to keep the total liquids going up, you notice what they've done is projected two huge fields here, that by 2030 they said a fourth of all the liquids we're getting, only a fourth of it will come from the fields we're now pumping, that three-fourths of it will come from something else. And half of the total is going to be from fields that we're not getting anything from now. That's a pretty tall order.

Then, in 2010 they did this other curve down here, and they have reversed the two on top here. And different colors. But they're the same thing. And they've included the dark red here down with the oil fields that we're now pumping. And notice this goes to 2035. Up here, by the way, they were going to peak at 112 million barrels a day. Now we're stuck at 84 million billion barrels for 5 years. They have it going up to 112. Two years later, reality is setting in. Now it goes up to only 96. And they go out 5 years further to 2035. Notice the precipitous drop-off in the fields that we're now pumping.

Now, we have some irrational exuberance, as Alan Greenspan would define it, in our country about our ability to get some additional gas and oil out of things like the Marcellus shales and the fields out in the West by horizontal drilling and fracking; and these are represented in these two curves here. I think that one can say, in analyzing history, with considerable confidence that these two wedges here will not occur. By the way it's 600,000. It sounds like a lot, doesn't it? 600,000 barrels.

□ 2100

We use 84 million barrels a day. In 11 or 12 days, we—the world—use a billion barrels of oil. So if we're getting 600,000 from the Bakken oil fields out in the West, that's almost literally a drop in the bucket, isn't it?

I'd just like to close, this last chance probably that I have to come and chat with you here on the floor. It's been a huge honor to represent 660,000 people in the First District of Maryland, to come here to the Congress to talk to maybe a million, a million and a half people listening to us out there. Thank you, constituents, for this honor. Thank you for listening.

I yield back the balance of my time.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 30 minutes.

Mrs. CHRISTENSEN. I thank the Democratic leader and leadership for giving us the opportunity to come to the floor as the Congressional Black Caucus. Perhaps some other Members may be joining us.

We wanted to just add our word of sympathy and condolences to the families in Newtown, Connecticut. We will all grieve for a very, very long time, and rightly so, the loss of the 20 innocent little children and seven adults

who lost their lives in an utterly senseless and horrific act of violence.

The people of the Virgin Islands, like the rest of our Nation—and indeed the world—mourn the loss of the 27 people gunned down in Newtown, Connecticut, last week. Our thoughts and prayers are with their families and the entire town and they will continue to be for a very long time. Our hearts especially go out to them throughout what we know will be an extremely difficult Christmas season.

The President and many others have reminded us that we have been here far too many times even in just this year. As he said at the ecumenical service a few evenings ago, it's time to act. It's not enough to sympathize with the families who lost loved ones. We have to take action to protect our children and to protect all our citizens. To that extent, I've signed on to the Large Capacity Ammunition Feeding Device Act, sponsored by Congresswomen MCCARTHY and DEGETTE, which would prohibit the transfer or import of large-capacity ammunition feeding devices manufactured before the date of enactment, as well as four or five other bills sponsored by Congresswomen MALONEY and MCCARTHY, Congressman PERLMUTTER, and others, to improve background checks, to slow the trafficking of guns, and to keep them out of the hands of individuals who should not have them; as well as the PROMISE Act, which is a prevention bill.

I'm joined this evening by Congresswoman YVETTE CLARKE of Brooklyn, New York, who has long been an advocate for ending the gun violence in our communities and providing the kinds of assistance, both in intervention and prevention, that we need in so many communities around this country. She has been a leader on so many issues, and I'd like to yield her such time as she might consume.

Ms. CLARKE of New York. I thank my colleague for yielding.

Madam Speaker, I've joined my colleague, Dr. DONNA CHRISTENSEN, Representative of the Virgin Islands, here tonight in remembrance of the 20 first-grade children and six educators who were mercilessly gunned down last Friday at the Sandy Hook Elementary School, innocent victims of senseless gun violence.

To the families, educators, and the community of Newtown, Connecticut, on behalf of the people of the 11th Congressional District of Brooklyn, New York, I wish to express my most profound and deepest condolences.

I believe, like so many across this Nation, that the families of these victims, the families of children in every community in the United States, have some very important questions for Members of Congress. I also believe that as their representatives we have an obligation to provide them with answers.

Question: Why? Why have we allowed our communities around this Nation, from a supermarket in Tucson, Arizona to a movie theater in Aurora, Colorado, to a shopping mall in Oregon, to an elementary school in Newtown, Connecticut, to the streets of Brooklyn, New York, why have we been so reluctant in protecting them? Why have we left them unprotected, vulnerable to gun violence, death, and the terror that such actions inflict?

Who will speak for the people whose lives were cut short, struck down, maimed and traumatized for life? When will we realize that these incidents are not inevitable, that we have the ability to prevent gun violence and an obligation to do everything in our power to make gun violence a thing of the past? The answer to these questions will define this generation of Members of Congress. Our answers will determine the future of our civil society.

Americans have the right to demand answers from this Congress. We have the authority to keep the guns away from the streets of our cities and towns. In the 11th Congressional District which I represent in New York City, the New York City Police Department reported 274 victims from 226 incidents involving gun violence, and that was in two neighborhoods in the district that I represent. The majority of these crimes were registered in just two communities; 274 victims from 226 incidents. Now, fortunately, not everyone perished in these instances, but one incident of death is one too many. The repercussions of the trauma that comes from those who witness these incidents, who dodge the bullets in our communities, is immeasurable.

We have the authority to focus our efforts on penalties for gun trafficking and unlawful sales of firearms. We have the authority to prevent the retail sale of assault weapons and high-capacity magazines or clips that are designed for military combat use. We have the ability to register handguns and micro stamp munitions to trace ownership and origin. We have the authority; we only need to have the courage to act.

The Newtown tragedy has highlighted a vexing issue that we as Americans must address. It is imperative that we set aside our differences in the 113th Congress to pass legislation that will increase accountability among gun vendors and owners, support local law enforcement to stem the tide of gun trafficking across our Nation, reduce the number of illegal guns on our streets, and remove access to high-powered militarized weapons and ammunition which have no place in our communities.

Madam Speaker, this is not a Republican problem, it is not a Democrat problem. This is an American problem, and this is a problem we must have the courage to address.

I want to thank my colleague for yielding. As I drove up to the Capitol for this Special Order this evening, I reflected on the flags waving at half-mast over the Capitol, an indication of the deep grief and sorrow that our Nation faces at this time. I think to my own community, where I've attended far too many funerals of families that have been devastated by the heinous act of gun violence.

□ 2110

I think about a former colleague of mine. As a member of the New York City Council, I unfortunately count myself among the victims who witnessed my own city council colleague being gunned down before us. And so, what we need to understand is that while these incidents may seem remote from many families, the implications of what can happen in our communities extend beyond what we may hear in the news but affect tens of thousands who may not have been the immediate or intended target of gun violence but have been a witness, have been family members, community members, that have a love and a care for the lost one who were taken senselessly and needlessly. Let us muster up the courage to act. I yield back.

Mrs. CHRISTENSEN. Thank you, Congresswoman CLARKE, for joining us. Again, thank you for your leadership, and thank you for those words that you have uttered on behalf of our communities and the community of Newtown and children and our citizens across this country.

Flags are flying at half-mast across this country. I know whenever I would drive at home last weekend, and I would see them, our thoughts and our hearts went out to the people of Newtown because we knew that that was why they were that way. Like my colleague, I recall going to funerals with my children, something that I never had to do, funerals of their friends.

In his column just a few days ago, Nicholas Kristof quoted David Hemenway, a public health specialist at Harvard, who reported that children 5 to 14 in America are 13 times more likely to be murdered with guns as children in other industrialized countries. And that ought to be a call of action to all of us.

He wrote, and I agree:

> Let's treat firearms rationally as the center of a public health crisis, a public health crisis that claims one life every 20 minutes.

If only for the sake of our children, we have to act and really need to begin with renewing the ban on assault weapons.

The homicide rate in the United States is 6.9 points higher than rates in 22 other populous, high-income countries combined. This gives me great pause when I think that the homicide rate in our neighboring Puerto Rico is more than four times higher than that of the U.S., and the Virgin Islands' rate is even higher than that compared to the United States overall. The last reported in Puerto Rico was 36.2 per 100,000, and the Virgin Islands is closer to 60. We, Puerto Rico, and the Virgin Islands have pleaded for more Federal help. And we can begin by passing the assault ban next year and the other related bills.

The United States has the highest rate of gun ownership in the world, an average of 88 per 100 people. I understand that the next highest is Yemen, somewhere around 56 per 100 people. But the rate of gun ownership doesn't always directly relate to the number of homicides. Honduras, with the most homicides by firearm at 68.43 per 100,000 has only 6.2 firearms per 100 people compared to our 88, while Finland, which has a relatively high one, 45.3 guns per 100 people, only reports about 19 per 100,000 homicides by firearms.

So while we must do what is required to reduce guns in our community, assault weapons in particular in this country, there's much more work that has to be done.

As Attorney General Holder said earlier this week, and I'm quoting him here:

> As a nation, I think we have to ask ourselves some hard questions. We need to discuss who we are as a nation, talk about the freedoms that we have, the rights that we have, and how those might be used in a responsible way.

I recently wrote to my fellow Virgin Islanders, as we looked at ours being one of the highest homicide rates in the Nation, I also think we need to go further in examining what we have been doing or what we have not been doing in our territory and across our Nation that has created an atmosphere where gun violence is escalating to a frightening and totally unacceptable level, and where in many districts, gun violence has turned, in my district, has turned against law enforcement. Six officers have been injured by gunfire this year in the Virgin Islands, and one, Colvin Georges, died as a result of his injuries. And communities across this country are experiencing the same thing.

I know that many feel that guns are needed for their and their families' protection. But reports show that keeping a firearm in the home increases the risk of homicide by a factor of three. And on the whole, guns are more likely to raise the risk of injury than confer protection.

The killings in Newtown, Aurora, and other places are horrific mass killings by disturbed people, and we need to find a way to prevent them from getting access to any kind of firearm. But gun violence is happening every week in neighborhoods across our country, and these, too, demand our attention, including gang-related gun violence. Gang violence is a growing epidemic across this country. Congress has to work toward passing and funding legislation like the Youth Promise Act, which helps communities facing the greatest youth gang and crime challenges to develop a comprehensive response to youth violence through a coordinated prevention and intervention response.

To go back to where we are in the United States compared to other countries, data compiled by the United Nations' Office on Drugs and Crime confirms Americans are living with greater risk of gun-related death than are residents of other developed countries. From 2007 to 2009, the U.S. averaged 10,987 homicides per year by firearm compared with an average of 182 in Germany, 75 in Spain and 47 in the United Kingdom. Mexico, though, averaged about 5,980 annual homicides, still half of ours, by firearm during that same period. Colombia was higher.

Roseanna Ander, executive director of the University of Chicago Crime Lab, has said that the U.S. is an outlier in lethal violence among developed countries. Other countries have similar rates of rape and battery, Ander said, but because so much American violence includes guns, the rate of death is so much higher.

The steady gun violence leaves especially young blacks and Latino men particularly vulnerable and more likely to die in a shooting, Federal data shows. In each year from 2006 to 2010, homicide was the leading cause of death for African American males ages 15 to 24, more than the next nine causes of death combined, according to data from the Centers for Disease Control and Prevention.

Persistent gun violence is part of a complex cycle born of poverty and residential segregation, as is poor health and substandard education, which all are related to the poverty and the persistent gun violence, challenges that the Nation has yet to truly face and address.

That's what Sampson said, and I agree. And he also said:

> Guns are readily available. Gun violence thrives, in part, because exposure to violence makes children more likely to engage in violence themselves. It makes them have difficulty learning and, therefore, climbing the economic ladder.

So we can make a big difference. But to make that difference, we have to have the political will. We have to be able to stand up to the NRA, which has gone silent in the face of this tragedy, and other organizations that have blocked us from doing what we know in our hearts is the right thing to do.

It is our responsibility, as Congresswoman CLARKE said, to do what we must to protect our children and to protect our other citizens. President Obama has set up a task force which will be headed by Vice President JOE BIDEN. He is calling on us to ban military-style assault weapons, to ensure that background checks are there for all gun purchases, and to make access to mental health services at least as easy as it is to access guns.

□ 2120

I would hope that we would not see the partisanship or the brinksmanship that we're seeing right now on this fiscal cliff issue, and that we'll all work with our Vice President and our President to truly memorialize the children that are being laid to rest this week and not have them be martyrs to our inaction.

With that, Madam Speaker, I would love to yield to our Congressman from Louisiana. I'm sure that he will add a lot to this discussion.

I talked about the fact that African-American and Latino males have high rates of death due to gun violence, and one report that goes back to 2004 rates Louisiana as number two.

So I'll yield such time as he may consume to the gentleman from Louisiana, CEDRIC RICHMOND.

Mr. RICHMOND. I thank the gentlelady from the Virgin Islands for yielding and commend her on her passion as a physician and someone who has taken an oath to preserve life and to make sure that people can live out their years in a meaningful way and die of natural causes.

I will just say that I'm from Louisiana, which our motto is we are the sportsman's paradise. We like to fish and we like to hunt. We like to have a fishing pole and we like to have a gun. The difference is that the guns we use and the guns that sportsmen use are rifles, and you don't need high-capacity magazines in order to hunt deer, to hunt dove, to hunt ducks, to hunt rabbit. You just don't do that.

I rise tonight in support of my colleagues because, especially in our urban cities, we are losing far too many of our children, our fathers, our mothers, our sisters, and our brothers to gun violence. And every once in a while, we'll have an event that will shake the confidence of our country and make us take a step back and rationally look at our gun laws in this country and say, Wait, we've done far too much. We've expanded the Second Amendment too far. The Founders of the Constitution, when the Second Amendment was crafted, had no idea that we would have AK–47s with clips that can hold 50 rounds.

I can just tell you about an incident in La Place, Louisiana, about 6 months ago where a gentleman was denied benefits at an office and decided he was going to his car and he was going to go back inside. One of those Good Samaritans, an older lady, called the police and said there was a man armoring up in his car. State police and our sheriffs responded to it and found the man in his car. When they found him, he had more ammunition in his trunk than State police and our sheriffs put together. He had an AK–47, another rifle, and so much ammunition.

But the scary part to that story, and why this Good Samaritan was so key, is when they arrested him, they went to his apartment and he had a suicide note there in his trailer. He had every intention of making sure that he could go in there and kill as many people as he could, even if it meant him dying. When the thugs and the criminals have more guns and more ammunition than our first responders, then we have a problem.

In urban cities, when our kids have better access to guns than textbooks, then we're a country that went wrong.

We're not talking about every American's basic right to bear arms, because that is sacred, it's in our Constitution, and I believe in it. But when we start talking about assault weapons with high-capacity magazines, we're talking about weapons of mass destruction.

If you look at Newtown, if you look at Aurora and you look around our country at the incidents that have happened, these are not incidents where one or two people lose their life. If we tally the number of people in the United States that die because of gun violence, if another country entered our soil and did that to us, we would declare war and we would go out and find those people responsible. But here in the United States, we have taken the Second Amendment to protect things that are just indefensible.

I will join with my colleagues, and I will say, when I was in the Louisiana State Legislature, I authored, every year I was there, an assault weapons ban, a bill to close the gun show loopholes, to have a gun registry. I'm not suggesting here today that we do everything I did in the State legislature, because some things went very far, but what I am challenging America to do is to challenge the NRA, the liberals, the gun control lobby, whatever you want to call them. We should all come together in the name of the citizens of the United States that we've lost and have an adult conversation about can we do better, because we can.

We don't need clips that allow people to take out a whole neighborhood. We don't need guns that you can shoot through police vests and through the police car door and through their shield and hit their body sold in our sporting good stores in this country.

At some point, we have to come together. We can't just come together and pray and mourn. People are tired of mourning, and people are not fed up, but people have given up on prayer. When you see incidents when you have to bury your children—when you drop a child off at school you expect to go there that afternoon and pick them up and talk about what they learned today and do they need help with their homework, you never imagine that you're going to go there and find your child deceased with multiple gunshot wounds because of assault rifles with high-capacity clips.

We are the United States of America, always in search of a more perfect Union. We can do better, we have to do better.

I will close with my own little paraphrase from a song, and it's to the Members of Congress. We had an incident that shed light on this earlier in our term in which our colleague was a victim of gun violence.

We should be careful of what we do, because the life we save may be our own.

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND.

The three of us have been here on behalf of the Congressional Black Caucus to add our voices to those across our Nation who are mourning the loss of those who were killed last week in Newtown.

The gentleman said more access to guns than schoolbooks. It's really true. There's more access to guns in most communities than schoolbooks and computers for many children; more access to guns than to decent housing; more access to guns than a decent job; more access to guns than quality health care, especially mental health care.

So, colleagues on both sides of the aisle, we need to act, and we need to act in the name of those beautiful first graders and all of those across this country who have been lost to gun violence over the years. I hope that we will take that kind of action.

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

WISDOM THROUGH PRAYER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Madam Speaker, first I think it's important to let the people of Connecticut who have suffered so and lost loved ones know that they will continue to be in our thoughts and prayers. It is such a difficult time, and they need our support. It is a difficult time. I think so often when we look for wisdom in different places, I believe what Proverbs said, Solomon should have known:

> The fear of the Lord is the beginning of wisdom.

In the early days of our country, people sought wisdom through prayer. The Constitutional Convention, when they could not reach an agreement after nearly 5 weeks, 80-year-old Ben Franklin stood up and the contentiousness stopped.

□ 2130

Someone wrote that George Washington looked like he had a very much relieved look on his face. 80-year-old Ben Franklin was overweight, suffering not only from gout but from arthritis, had a cane, had to have help getting up and down sometimes; but his mind was still brilliant. That's when he pointed out why we have not once thought of humbly applying to the Father of lights to illuminate our understanding. We have his whole recorded speech because he recorded it. He wrote it in his own handwriting. Madison was taking notes, but we have Ben Franklin's speech, and it has provided such solace to me.

He pointed out to his friends that there were times when every one of them could remember back during the Revolution when they asked God for specific things and God answered their prayers. That was all part of the Constitutional Convention, and he said these words:

> Our prayers, sir, were heard, and they were graciously answered. If a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid? We have been assured, sir, in the sacred writings that, unless the Lord build the house, they labor in vain that build it.

Then he went on. He said:

> I also firmly believe, without His concurring aid, we shall succeed in our political building no better than the builders of Babel: We shall be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

Then he went on to make a motion that just as they had during the Revolution with the Continental Congress that this Constitutional Convention Congress should begin every day with prayer.

So he made the motion and there was great discussion; but unlike the Revolutionary days, they didn't have money. This was a Constitutional Convention that had just convened. These people came together to write a Constitution. They didn't have money as a body. They had no chaplain. They couldn't afford to hire a chaplain, and they figured only with an independent chaplain that they could agree on could they have somebody come in and lead each day with prayer as they had during the Revolution. So that was put off until such time as they could hire a chaplain, which happened as soon as we became a Nation and the Constitution was ratified.

But Randolph from Virginia followed up Ben Franklin's motion. He said, Okay. Basically, they're saying we don't have money to hire a chaplain, but one thing we can do: Here we are at the end of June 1787. We're about to celebrate our country's birthday again, our anniversary; so why don't we just agree to all go to church together—listen to the same pastor, hear the same sermon, worship God all together as a Constitutional Convention? They all went to the Reformed-Calvinistic Church, and the pastor apparently did an excellent job because, when they came back, there was a new spirit. They had their disagreements, but there was a spirit of cooperation.

I heard some of the comments of my friends earlier across the aisle, and I know their hearts. I know DONNA CHRISTENSEN has been extremely gracious to me, personally. Good people. Good people with the best of intentions. I think the world of JOE LIEBERMAN. I was visiting with him on Sunday morning of his ideas to have a commission come together and not just jump quickly to some politically correct solution. Let's do the right thing by America, not a knee-jerk, which like the assault weapon ban did nothing. In fact, Columbine occurred during the middle of the so-called ''assault weapon ban.'' Every gun is an assault weapon.

The machetes in Rwanda—the worst genocide that we know of in human history. 800,000 or so with machetes? Of course, we know during World War II that the genocide wasn't just 800,000,

that it was millions—6 million Jews. They were killed by all kinds of means. So we need to be smart about the way we deal with this issue of mass murders and violence in our society, and everything should be on the table.

As we continue to remember the loved ones of those who were victims of the tragedy at Newtown, Connecticut, things go on here in this town. This body tomorrow, we've been alerted, will vote on what's being called ''Plan B.'' Plan A was to try to reach an agreement with the President. From my experience as an attorney, I've negotiated small deals, multimillion-dollar deals. I was a district judge, a chief justice, a certified mediator. I don't know if there is anybody else in the congressional body who has been through the training and process of becoming an international arbitrator. I have a lot of experience in negotiating from all sides when you see Speaker BOEHNER go beyond what anybody I'm aware of and our conference really wanted him to do initially.

He said, Okay. We will come up with $800 billion of revenue, Mr. President, because that's where you had gotten up to. $800 billion is what you were demanding before, so we'll cut to the chase. We'll just quit negotiating, and we'll give you what you want—$800 billion in new revenue.

The President responded by saying, No, no, no, no. Now I'm at $1.6 trillion. Now that you're at $800 billion, I'm at $1.6 trillion of new revenue wanting.

What most people who really look at our problem in this town realize is that it really isn't a tax problem, that it's a spending problem. When we went from the Speaker Pelosi-Harry Reid budget of 2008 that ended on September 30 of 2008, I heard no one that year complain that the Federal Government is not spending enough money. We were spending more money than we had then. Yet in January of '09, after President Obama comes in and the Speaker is PELOSI and the majority leader in the Senate is HARRY REID, we began spending about $1.6 trillion more than we had coming in. We had 2.3 or so trillion dollars coming in in Federal revenue, and we were spending about $1.6 trillion more than that?

That's one of the reasons 2 weeks ago I couldn't believe that we were voting to eliminate the use of the word ''lunatic,'' because it seems to me only a lunatic body would come up with the idea of, gee, we're in financial trouble; let's spend more than $1 trillion more than we have coming in. That's financially irresponsible.

As my friend RANDY NEUGEBAUER pointed out again this week: A vote over taxes that doesn't deal with the massive spending is a vote to defer taxes in order to let our children and grandchildren and future generations pay the tax because we don't have the moral consistency to take care of our own debts. We're going to lay it on future generations.

So, in seeking wisdom, it's part of my belief that you pray; you seek wise counsel and read scripture. In doing that, I find as an old history major—I went to Texas A&M. I knew I was going into the Army for 4 years. I loved history, so why not major in history? You learn so much from history. I thought I remembered these words, and I was able to find them. So, Madam Speaker, I want to finish the evening tonight with these words. These are brilliant words.

□ 2140

These are words of wisdom from a man named JOHN BOEHNER. This is an article. It's basically a transcript that was done by Major Garrett, October 25, 2010. This was 8 days before the 2010 election, which turned out to be the largest conservative-wave election in American history. So I will just read basically the transcript. It's an article, but it's really a transcript. It says that Representative JOHN BOEHNER is interviewed in his Capitol Hill office March 10, 2010, but the article is dated October 25, 2010.

The National Journal representative said:

About 3 weeks before the 1994 elections, I asked you if House Republicans were ready to win the majority and ready to govern the House. You said then that sometimes the wave takes you into power whether you're ready or not. It did then. It may now. What is similar to you about the 1994 cycle? And more important, are you ready to lead now and will you lead differently if you win?

Minority Leader BOEHNER said:

Well, all kinds of things have changed, and there are a lot of differences. But maybe the biggest thing that's different now is near 10 percent unemployment. I mean, we're going to have to start making tough choices on spending to give our economy a chance to start moving and creating jobs again. As for me personally, you know I had a front row seat to what worked and what didn't in 1994. And I like to think that I learned a thing or two.

National Journal:

If you become Speaker, you will be the first since Tom Foley to have previously chaired a committee. (Foley chaired the Agriculture Committee.) How will your past as chairman and legislator with many bills—No Child Left Behind chief among them—influence your approach to allowing committees to set the agenda and give signals instead of receive them from leadership?

Minority Leader BOEHNER said:

We need to stop writing bills in the Speaker's office and let Members of Congress be legislators again. Too often in the House right now we don't have legislators, we just have voters. Under Speaker PELOSI, 430 out of 435 Members are just here to vote and raise money. That's it. That's not right. We were each elected to uphold the Constitution and represent 600,000-odd people in our districts. We need to open this place up, let some air in. We have nothing to fear from letting the House work its will. Nothing to fear from the battle of ideas. That starts with committees. The result will be more scrutiny and better legislation.

The National Journal:

Related to this it has often been said by those closest to you that you respect and admire and believe in regular order. What does that mean to you and how much institutional value do you place on placing regular order at the center of House procedures and House reforms?

Minority Leader BOEHNER:

Yes, I do, absolutely. The House is the body closest to the people. That's by design. We're the crucible, the testing ground for new ideas and new policies, and the institutions of the House that have grown up over 200 years of trial and error are the best way to test those ideas and policies. We don't need five Members sitting behind a closed door writing a bill like they did with the stimulus or ObamaCare. It's nuts.

National Journal:

If you are Speaker, will you ever bring a bill to the floor that hasn't been true to the 3-day rule?

Minority Leader BOEHNER:

No.

National Journal:

That's it? Just no?

Minority Leader BOEHNER:

Right. I can see a scenario like right after 9/11 when we would have to act immediately in a true national emergency, I guess, maybe, but this is a serious commitment. I know it's going to be a pain in the neck, but we're going to do it.

National Journal:

Enough about procedure. How worried are you about facing a government shutdown fight with President Obama over cutting spending as much as the Pledge to America promises?

Minority Leader BOEHNER:

Look, Major, our goal is to cut the size of government, not to shut it down. If we take the majority, the President is going to have to realize that he can't keep ignoring the American people. They're out there looking at what the President and PELOSI and HARRY REID are doing, and they're shouting ''stop'' at the top of their lungs. We're going to listen to them, and the President better, too.

National Journal:

Deputy Whip ERIC CANTOR has virtually ruled out a government shutdown. Do you rule it out as a negotiating tactic or as a possible outcome of a budget disagreement?

Minority Leader BOEHNER:

I've said the same thing as ERIC. Our goal is to make government smaller, not to shut it down. JEB HENSARLING has a bill that would prevent a government shutdown in the event of a budget standoff. We're going to stay focused on doing what the American people want, and what they want is less spending.

National Journal:

Do you anticipate a resolution of the Bush tax cut issue or a lengthy congressional issue in the lame duck session? Or are you girding your Members to deal with both issues as soon as the 111th Congress convenes?

Minority Leader BOEHNER:

Hell, I don't think we need to wait until after the election. Let's come back right now and stop this tax hike and cut spending. That's what we put in the pledge that we want to do right now.

National Journal:

A reauthorization of the highway bill is due in the next Congress. Will you, as the GOP leadership, support any increase in the Federal gasoline tax to finance additional road, bridge or highway construction?

Minority Leader BOEHNER:

I've never supported a tax increase of any kind.

National Journal:

Will you extend into the 111th Congress the current House GOP moratorium on earmarks? Related to that, if you win the majority, will you seek any change to the Appropriations Committee's professional staff or other reforms to signal that, in your words, ''business as usual'' is over when it comes to discretionary spending?

Minority Leader BOEHNER:

Look, I've always had a no earmarks policy. I helped get the conference into a place where we have a current moratorium. And I think it's perfectly clear that going back to business as usual is not an option. That's the case with earmarking specifically, and with spending in general. Change is never easy, but change is necessary. It's what the American people are demanding of us.

National Journal:

You've said you are open to having spending-cut legislation come to the House floor each week or, at a minimum, regularly. How do you intend for this to work?

Minority Leader BOEHNER:

Well, I think a model for that particular proposal may be the YouCut project that ERIC and the other members of our economic recovery solutions group have been doing all year. They've got a ton of specific cuts, chosen by the American people in an online poll. I also said in my speech in September at AEI that I think we need to look at breaking up all these massive spending bills—break them into smaller bills that are more conducive to scrutiny and debate. We said in the pledge that we need to set up a process that makes it easier to cut spending. In my mind that means, among other things, if a Member has an amendment that would cut spending, it should get a vote. Period.

□ 2150

Skipping down.

National Journal:

How much longer do you envision staying in Congress? And, related to that, did you learn anything valuable from the speakership of NANCY PELOSI?

Minority Leader BOEHNER:

Hell, I've already stayed here a lot longer than I ever thought I would. We'll see. I think the current majority has reinforced what I already knew. You can't run this place, at least not well, by shutting out the American people, shutting out the other party, and even shutting out your own members. You can twist arms and crack heads and cut deals for a while, but it just won't work in the long term.

Madam Speaker, with that, I yield back the balance of my time.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following individual on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Larry Wortzel, Williamsburg, Virginia.

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 9 o'clock and 52 minutes p.m.), the House stood in recess.

□ 2220

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 10 o'clock and 20 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–707) on the resolution (H. Res. 840) providing for consideration of the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 66, APPROVING RENEWAL OF IMPORT RESTRICTIONS AGAINST BURMA, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–708) on the resolution (H. Res. 841) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MICA (at the request of Mr. CANTOR) for today after 5 p.m. on account of attending a funeral.

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. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 285. An act for the relief of Sopuruchi Chukwueke.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 19, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6116. To amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), under its previous order and pursuant to House Resolution 839, the House adjourned until tomorrow, Thursday, December 20, 2012, at noon, as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

EXECUTIVE COMMUNICATIONS, ETC.

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

8836. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No.: 99-25; MB Docket No. 07-172. RM 11338] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-160, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8838. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-147, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8839. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-151, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8840. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of two gyroscopes and one accelerometer, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8841. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Red Bull Flugtag Miami, Biscayne Bay; Miami, FL [Docket No.: USCG-2012-0728] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL [Docket No.: USCG-2012-0452] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Intracoastal Waterway; Emerald Isle, NC [Docket No.: USCG-2012-0812] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Newport River, Morehead City, NC [Docket No.: USCG-2012-0628] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DeStefano Wedding Fireworks Display, Patchogue Bay, Patchogue, NY [Docket Number: USCG-2012-0571] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cruise Ships, Santa Barbara Harbor, Santa Barbara, California [Docket Number: USCG-2011-0906] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island, NC [Docket Number: USCG-2012-0811] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL [Docket No.: USCG-2012-0721] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; James River, Kingsmill Resort, Williamsburg, VA [Docket No.: USCG-2012-0931] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Schuylkill River, Philadelphia, PA [Docket No.: USCG-2012-0625] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; USCGC WILLIAM FLORES Commissioning Ceremony, Ybor Channel; Tampa, FL [Docket No.: USCG-2012-0885] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Large Cruise Ships; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0; New Orleans, LA [Docket Number: USCG-2010-0012] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alliance Road Bridge Demolition; Black Warrior River, Locust Fork; Birmingham, AL [Docket Number: USCG-2012-0902] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. MILLER of Florida: Committee on Veterans' Affairs. Fourth Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112–706). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 840. Resolution providing for consideration of the conference report to accompany 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 (Rept. 112–707). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 841. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction (Rept. 112–708). Referred to the House Calendar.

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. PASCRELL (for himself, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. PALLONE, Ms. DELAURO, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GARRETT, Mr. LANCE, Mr. GRIMM, Mr. RUNYAN, Mr. TURNER of New York, Mrs. LOWEY, Mr. ISRAEL, Mr. REED, Mr. ENGEL, Mr. TOWNS, Mr. SIRES, Mr. HIGGINS, Mr. ANDREWS, Mr. COURTNEY, Mr. LANGEVIN, Mr. ACKERMAN, Mr. PAYNE, and Mr. HOLT):

H.R. 6683. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for damages relating to Hurricane Sandy, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:

H.R. 6684. A bill to provide for spending reduction; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, 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. ENGEL:

H.R. 6685. A bill to protect the Nation's law enforcement officers by banning the FiveseveN Pistol and 5.7 x 28mm SS190, SS192, SS195LF, SS196, and SS197 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 6686. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. NEAL):

H.R. 6687. A bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines; to the Committee on Ways and Means.

By Mr. JORDAN (for himself, Mr. MULVANEY, Mr. SCALISE, Mr. GARRETT, Mr. FLORES, Mr. BROUN of Georgia, Mr. WALBERG, Mrs. HARTZLER, Mr. STUTZMAN, Mr. OLSON, Mr. LUETKEMEYER, Mr. GRIFFIN of Arkansas, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. PEARCE, Mr. GRAVES of Georgia, Mr. HUELSKAMP, Mr. GIBBS, Mr. FLEMING, Mrs. MYRICK, Mr. PRICE of Georgia, Mrs. BLACKBURN, and Mr. SCHWEIKERT):

H.R. 6688. A bill to extend tax relief for all Americans, to replace the defense sequester scheduled to take effect on January 2, 2013,

with responsible reductions in direct and other spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, 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. MATSUI:

H.R. 6689. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the South Sacramento County Agriculture and Habitat Lands Water Recycling Project in Sacramento County, California; to the Committee on Natural Resources.

By Mr. OLSON:

H. Res. 836. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress; considered and agreed to.

By Ms. HIRONO (for herself, Ms. HANABUSA, Mr. DICKS, Mr. YOUNG of Alaska, Mr. DONNELLY of Indiana, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. HONDA, Mr. SABLAN, Ms. CHU, Mr. FALEOMAVAEGA, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MCCOLLUM, Mr. CHANDLER, Mr. COURTNEY, Ms. ESHOO, Mr. ELLISON, Mr. NADLER, Mr. FARR, Mr. RAHALL, Mr. RANGEL, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. BOSWELL, Mrs. CAPPS, Mrs. LOWEY, Mr. MARKEY, Mr. HOYER, Mr. HEINRICH, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Ms. CLARKE of New York, and Mr. GARAMENDI):

H. Res. 837. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands; to the Committee on Foreign Affairs.

By Ms. HIRONO:

H. Res. 839. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; considered and agreed to.

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. PASCRELL:

H.R. 6683.

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

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CANTOR:

H.R. 6684.

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

Article I, Section 8, Clauses 1,3, and 18 and Article I, Section 9, Clause 7 of the United Stases Constitution.

By Mr. ENGEL:

H.R. 6685.

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

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Ms. ESHOO:

H.R. 6686.

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

The U.S. Constitution, Article I, Section 8, the General Welfare Clause

By Mr. GERLACH:

H.R. 6687.

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

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. JORDAN:

H.R. 6688.

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

The Constitution (specifically Article 1, Section 8, Clause 1) grants Congress the power to lay and collect taxes, duties, imposts, and excises under certain conditions. Congress has previously utilized this grant of authority—broadened by the 16th Amendment to include taxation on income—and therefore existing law in this area would not be expanded by this bill. The legislation continues current tax policy in some cases (requiring no additional expansion of power) or limits and repeals current utilization of power by the Congress (also requiring no additional Constitutional Authority beyond what currently exists).

Congress has similarly utilized the constitutional power to withdraw funds from the treasury (affirmed in Article 1, Section 9, Clause 7) so long as the funds are spent on a constitutionally appropriate power; if Congress has authority to fund what it currently does fund, then it also has the power to limit the amount that it appropriates to these ends. Additionally, this legislation repeals or reduces the funding for various federal programs and repeals certain requirements imposed by federal legislation and agencies, many of which have a questionable basis in the constitutional powers of Congress. By reducing or repealing these programs and regulations, this legislation is acting on the affirmation in the 10th Amendment that ''powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' This legislation would more closely align the federal government with both the letter and spirit of the Constitution in the ways stated above.

By Ms. MATSUI:

H.R. 6689.

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

Article 1, Section 8, Clause 3

ADDITIONAL SPONSORS

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

H.R. 263: Ms. EDWARDS.

H.R. 493: Mr. TERRY.

H.R. 1063: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1426: Ms. SCHWARTZ.

H.R. 1802: Mr. CALVERT.

H.R. 1867: Mr. BUTTERFIELD.

H.R. 2256: Mr. SHERMAN and Ms. LORETTA SANCHEZ of California.

H.R. 2721: Mr. MCGOVERN.

H.R. 2775: Ms. BROWN of Florida.

H.R. 2969: Mr. VAN HOLLEN.

H.R. 3627: Mr. VAN HOLLEN.

H.R. 3769: Mr. MICHAUD.

H.R. 4077: Mr. STIVERS.

H.R. 4103: Mr. SHERMAN.

H.R. 4122: Mr. COHEN and Mr. PRICE of North Carolina.

H.R. 6385: Mrs. BACHMANN.

H.R. 6398: Mr. MARCHANT.

H.R. 6439: Mr. GRIFFIN of Arkansas.

H.R. 6446: Mr. STIVERS and Mr. TIBERI.

H.R. 6511: Mr. AUSTIN SCOTT of Georgia.

H.R. 6655: Mr. RANGEL, Mr. PASCRELL, Ms. BASS of California, Mr. LARSON of Connecticut, Mr. BERG, Mr. NEAL, Mr. MARCHANT, Mr. TIBERI, and Mr. REICHERT.

H. Con. Res. 143: Mr. MILLER of Florida, Ms. JACKSON LEE of Texas, Mr. HINCHEY, and Mr. PALAZZO.

H. Res. 734: Mr. CONYERS.

H. Res. 824: Mr. GERLACH and Mr. HARRIS.

H. Res. 834: Mr. CANSECO, Mrs. LOWEY, Mr. GERLACH, Mr. MCCAUL, Mr. WAXMAN, Ms. CASTOR of Florida, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. PETERS, Mr. SCHWEIKERT, Mr. STIVERS, Mr. REED, Mr. POSEY, Mr. FINCHER, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. CASSIDY, Ms. BUERKLE, Mr. FRANKS of Arizona, Ms. CHU, Mr. BACA, Mr. JOHNSON of Ohio, Mr. PEARCE, Mr. WOMACK, Mr. OLSON, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. COSTA, Mr. DOLD, and Mr. PAULSEN.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God of love, may Your presence fill our lawmakers with Your wisdom and power. May Your wisdom lead them away from the pitfalls of delayed obedience so that they will seek to promptly do Your will. Lord, make them a source of strength. Direct their actions; motivate their hearts, as they seek to begin this day with an unreserved commitment to You. God, give them Your supernatural power, wisdom, and guidance, for You know them, their needs, their motives, their hopes, and their fears.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour; the Republicans will control the first half, the majority the second half.

Following morning business, we will resume consideration of the supplemental appropriations bill. I mentioned last night we are going to have to move forward on this bill. I have been told the Republicans want to have a substitute, and we look forward to whatever that might be. We can set up a series of votes to satisfy those people who want to change this bill in some manner.

I would note that in the Northeast—other States but principally New York and New Jersey—there are about 700,000 people who have lost their homes. Tens of thousands of those homes have been destroyed, and other people are still living in very difficult situations.

When we had the devastation in the Gulf, we got the aid to those States very quickly. The population of those States—Louisiana, Mississippi, Alabama—is very sparse compared to New York and New Jersey. We have to make a decision on this very important legislation before we leave this week, and we are going to do that. I hope everyone would cooperate, but we have to do this. It is very unfair to the millions of people who are suffering as a result of this devastation.

We have had some devastating wildfires in the West. They are terribly damaging to the environment and on occasion there is lost life and often there are property losses. But relatively speaking, compared to the millions of people involved in this storm, we have to get our priorities right. It is unfair to those people who are suffering. It is not only individual people, but it is also businesses. I hope we can finalize this matter in the next day or two.

TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. REID. Madam President, it is often said a man is only as good as his word. In this new world we live in, the same applies to women. This is a world we live in where men and women, as much as we can, are treated equally. A good man is somebody who has his word that is good. A good woman is a person who has their word that is good. I believe that is true.

If that fact is true, then Mr. KENT CONRAD, the Senior Senator from North Dakota, is a good man, indeed.

When he was running for the Senate the first time, he promised the people of North Dakota he would not run for reelection if the Nation's budget deficit was higher at the end of his term than at the beginning of it.

We came to the Senate together. I can remember 27 years ago in the LBJ Room where I first met KENT CONRAD—we were running for the Senate—this studious man, very intense. I can still remember that. We have been friends now for all those many years. But think what he did. He could have been reelected so easily and he probably could have figured out some way around it: It was my intention to reduce the debt, but we weren't able to do it.

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

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But he didn't follow that path. He said: I am not running for reelection, and he didn't. It is amazing what he did. He takes the national debt personally. He takes it very seriously. Kent announced he wouldn't seek reelection. I was stunned. KENT, how could you do that? He said: I gave my word. But fate, as we know—and we are feeling it today with these flowers here behind me—fate is rarely anticipated. After his first term was set to expire and he had announced he wasn't running for reelection, Quentin Burdick, with whom I had the pleasure of serving, died, and so he ran for his seat and was elected. So he has held both Senate seats in North Dakota. He ran in that special election to replace Senator Burdick and won. The Senate, the people of North Dakota, and every American who cares about controlling the Federal debt have benefited from his faithful service.

Every time we have done something dealing with the debt in the last 26 years, KENT CONRAD has been at the forefront. ObamaCare, he was on top of that. He was one of the Gang of 6, it was called at the time, and took months and months. He came up, of course, with the magnificent idea, he and Judd Gregg—two people who know the finances of this country as well as any other two men in the world—they were going to do something about it, and they introduced legislation. It was patterned after the base closing commissions. They would do their work—the Commission—come back to the Senate, no filibusters, no amendments. That was KENT CONRAD and Judd Gregg's idea. As we know, the problem was the Republicans who supported the legislation, cosponsored it, wouldn't let us get it on the floor; six or seven of them voted against that. The Bowles-Simpson Commission; the Obama-Boehner talks, two rounds of those; Biden-Cantor, he was involved in every one of those; the Gang of 6, the Gang of 8. Even though he wasn't personally one of the three people on the supercommittee, Chairperson MURRAY was leaning on him all the time for information.

He has been terrific. As chairman of the Budget Committee, no one could do more than he did. I can remember he managed the bills we had on getting budgets. He was here, my seat was there, and he wanted me to help him. Why? Because he didn't have time to deal with procedure. He was dealing with substance. I still joke with him about this. He was so intense; we could see that mind of his working. So he was happy I was here working with him to get the budgets through.

He has been a powerful voice against runaway deficits but always being totally reasonable, recognizing that we are in a time of economic slowdown and we have to do something about the debt. But he also believes that during any of these periods of time, we need stimulation of the economy; they go together.

As I have indicated, no one cares more about addressing the national debt than Senator CONRAD. But he also understands the balance between fiscal responsibility and funding our national priorities.

KENT CONRAD has been bipartisan. Sometimes some criticize him for being so bipartisan. He has never been afraid to reach across the aisle to keep our country on a responsible path. He is a person who is not an ideologue. I could be wrong, but I think he was the first person to endorse Obama. Obama was a Senator who gave indication he wanted to run for President. I think Senator CONRAD was the first to endorse him. We know Senator Obama didn't sell very well in North Dakota, but that didn't stop KENT CONRAD. He thought he was the best person to be President of the United States.

The proposal I mentioned with Senators CONRAD and Gregg was a blueprint for what the Bowles-Simpson Commission then came up with. As I have indicated, every bipartisan deficit reduction since then—and some partisan efforts—anytime there was involvement with the debt, he was there.

Although we have yet to reach a solution or a conclusion to the very serious fiscal challenges this country faces, I credit KENT CONRAD for the progress we have made to this point. He will continue to be a voice for reason and moderation even in his retirement. See, KENT has always had a brilliant mind for numbers. He is a step above an accountant's mind. I truly like accountants. My daughter-in-law is an accountant, but he is a step above that. He is of the mathematician's caliber; he is so very smart.

After graduating from college, he worked for the North Dakota State Tax Commission. The person who ran that tax commission was Byron Dorgan, who later joined him in the Senate. In 1980, KENT succeeded Byron as the commissioner of taxes in North Dakota. They are the best of friends. He served as tax commissioner for 6 years.

He is a fifth-generation North Dakotan, born in Bismarck. KENT CONRAD was raised by his grandparents. When he was 5 years old, his parents were killed by a drunk driver and so he was raised by his wonderful grandparents and he has told me so many times about how good they were to him.

He was always interested in politics. At his retirement party, he talked about coming to Washington, DC, and he went back to his room or wherever he went that evening and wrote on a piece of paper that he was going to be a Senator. He was just a boy, a little kid. He was a teenager, but at least in my view of a 16-year-old today he was still a little kid. He said he wanted to be a Senator to himself. ''It so inspired me that I thought someday I'd like to be down on that floor and I'd like to debate the great issues of the day.''

He has done it. He has done it for 24 years.

Today KENT doesn't just debate the great issues of the day, he also is famous for making sure people understand what he is talking about. He has visual aids—we call them charts—that explain all his numbers and make them understandable. In 2001, the Rules Committee gave him his own printer since he was producing more charts than all the rest of the Senators combined—and that is the truth. He is famous for his charts.

He is renowned for his dog. He loves that little dog named Dakota. It is a fluffy white dog, a bijon frise. Everywhere KENT goes, Dakota is with him. They love that dog like only people can love animals. I often question how—I used to question; I don't anymore. I have a daughter. My oldest child is a daughter. She is allergic to cats. Her husband, trying to be nice to her, bought her a cat that had no hair. Frankly, it was kind of an ugly little animal, but my daughter loves that cat. They named the cat Olivia. The cat got out at night—they live in a suburb here—and a racoon attacked the cat so the cat was never the same after that. But my daughter spent lots of money on this cat.

I finally said: Lana, why are you spending money on the cat?

She said: Dad, I love that animal.

So that was the beginning; I don't question it anymore. If my daughter feels that strongly about a cat, I am going to stop criticizing people who spend money on animals.

I am reminded of my daughter every day I see him with Dakota because she loved Olivia like he loves Dakota. He and his lovely wife Lucy have spent lots of money on that little dog. They love that dog. He calls him Little Guy; that Little Guy.

I am going to miss KENT a lot. He is my friend, my pal. I wish him and his family well. He has a lovely family. His wife Lucy was the long-time chief of staff for Byron Dorgan—two Senators, both representing the same State, one Senator's wife is the chief of staff for his colleague. She went out in the private sector fairly recently and has done a great job. She has been involved in Major League Baseball. She and KENT love baseball. KENT always talks about he talked to Pete Angelos, the owner of the Baltimore Orioles; that he is looking forward to his retirement because Angelos promised him a tryout. He is going to try to play professional baseball. He loves baseball. They go to spring training when they can. I hope they will still have a presence in Washington. I think so much of both of them. They are wonderful people.

They have two children, a daughter who wrote a book about politics, and one grandson. KENT always boasts about how smart his daughter is. I went to the book signing. I am sure she is smart because she has such a brilliant father.

I value both KENT's friendship and leadership. While he will be missed in the Senate, he should rest assured that his legacy will remain long after he leaves.

RECOGNITION OF THE MINORITY LEADER

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

PREVENTING FURTHER ECONOMIC DAMAGE

Mr. MCCONNELL. Madam President, there is still time to prevent further damage to the economy and to stop the automatic tax hike on every American that's scheduled to go into effect at the beginning of the New Year. The President has a real opportunity, the second in 2 years, to do something significant about our debt crisis and jumpstart our economy. He has a real opportunity to show he can govern. He is letting that opportunity slip away.

Senate Democrats and the White House now say that a ''balanced approach'' is one that can pass both the House and Senate. But we know that neither the Democrat bill in the Senate, nor the President's plan for more than a trillion dollars in tax hikes meets their own new test of 'balance.'

Speaker BOEHNER, like me, would like to prevent a tax hike on everyone. But given the President's failure to act, the House will soon vote on legislation to prevent a tax hike on anyone making less than a million dollars a year—rather than letting taxes go up on every American taxpayer; in other words, a plan that 53 of our Democrat colleagues here in the Senate already voted to support. It is a plan that would ensure far more American families and small businesses are protected from tax hikes than anything our Democrat friends have proposed.

Democrats will have an opportunity to offer and vote on changes if they no longer agree with their previous positions. But what they cannot do is sit on their hands and let taxes go up on every American taxpayer. Senate Democrats have wasted precious time all year with show votes designed to fail. That has left us with little time to do the real work that needs to be done. But there is still enough time for us to finish all of our work before this weekend, if we are all willing to stay late and work hard. For the sake of the people who sent us here, it can and should be done.

TRIBUTES TO DEPARTING SENATORS

JIM DEMINT

Madame President, I would like to speak this morning in tribute to an unexpected addition to the list of retirees on the Republican side of the Senate, Senator JIM DEMINT of South Carolina.

They say success has many fathers, but it is hard to think of anyone who has done more than JIM DEMINT to raise the public's awareness on spending and debt, and the threat that big government poses to our liberties.

JIM has been a powerful voice for conservatism during his time in the House and the Senate. I have no doubt he will be extremely effective in his new post over at the Heritage Foundation. I wish him every success. Because the truth is, the Nation simply cannot continue on its current path, and if JIM can help more people understand that from his new perch on Massachusetts Avenue, then it will clearly have been worth it.

And so while JIM's voice will be missed here in the Senate, we are glad to see he will be putting his considerable talents to good use by helping to arm his former colleagues and many others with the arguments they will need to make the case for constitutional conservatism in the years ahead.

As a young boy, JIM developed a knack for sales by necessity. His mom ran a ballroom dancing school out of their home as a way to keep food on the table for her four children, and part of JIM's job was to recruit the students. He says he still runs into people who attended the DeMint Academy of Dance and Decorum. ''Our home sometimes seemed like boot camp,'' JIM once said, because to survive as a single parent his mom enlisted all four kids for daily duties starting at 6 a.m. It was ''the closest I would come to basic training.'' Interestingly, part of JIM's responsibilities involved filling in for folks who did not have a dance partner.

When JIM wasn't busy in the ballroom, he was working his two paper routes or bagging groceries at the grocery store. On weekends, he fed his love of music as the drummer for a band called ''Salt and Pepper.'' He was best known for his vocals on the song ''Wipe-out'' and the song's distinctive opening cackle. JIM says he could have been a rock star, if it weren't for the fact that he had no voice or musical talent. So as an adult, he stuck with sales, and it was from there that he launched his political career.

It has not been easy. JIM has always worked hard to ensure that Debbie and the kids remained at the center of his life. I know how much he admires Debbie for keeping her focus on their kids over the years. Theirs has been a true partnership almost since the day they first met all the way back in the seventh grade.

JIM was not always all that political. In fact, those who know him best say that one of the most surprising things about his career is how such a shy and gentle spirit could be viewed by so many as a take-no-prisoners firebrand. As a young marketing executive, he recalls thinking that he had a wife, kids and a business—and that was basically his universe. He did not even know who his congressman was. To this day, one of the things JIM enjoys doing most is working on his lawn back in Greenville. And while he has gotten his share of awards in Washington over the years, I don't think any of them compare with the one his neighborhood association gave him a few years back for ''best lawn.'' He is really proud of that one.

JIM's interest in politics came about when the government started to intrude more and more into his business, and when he started to notice how it unwittingly harmed others. ''The more I learned about how things operated,'' he once said, ''the more I understood how problems in our society such as broken homes, crime, and school dropout were a direct result of well-intended but misdirected government policies.''

So he got involved.

In 1992, Bob Inglis walked into his office and asked for his help in running a race in South Carolina's 4th District. JIM took the job and for the first time began to think about running for political office himself. When Inglis retired, JIM decided to run as his replacement. He was 47 years old, he had never run for anything in his life, and Debbie thought he was crazy. But the voters liked what he was selling, and so did his colleagues in the House. They voted him President of their freshman class in 1999.

Six years later, JIM was elected to the Senate. And he has been a leader here as well, working to cut Federal spending and reform how we spend taxpayer dollars. A conservative stalwart, JIM leaves with a stellar 98.77 lifetime rating from the American Conservative Union. And, crucially, he has made a difference. One member of the press corps once referred to JIM as the patron saint of lost causes in the Senate. And, frankly, I don't think we will be abolishing the tax code anytime soon, as JIM has suggested, but that's to miss the point. Great causes almost always start out with a constituency of one, and JIM has never been afraid to take up important and unpopular causes early, and let the polls and punditry take care of themselves.

After becoming what he called a ''recovering earmarker,'' he succeeded in convincing others to give up the practice. As a member of the Foreign Relations Committee, he was also instrumental in resolving a serious problem in Honduras a few years ago after the Obama Administration misconstrued the legal ouster of a president with a political coup. JIM enlisted Miguel Estrada to figure out what was really going on down there, and I was happy to help him travel to Honduras to investigate in person. JIM soon reported back that it was instantly obvious it was not a coup. The story eventually had a happy ending: the Honduran people held a new election and inaugurated a new president and the Obama administration grudgingly backed down. But none of this would have happened without the leadership of Senator DEMINT. ''The senator kept the administration honest,'' Estrada later said. ''He was invaluable.''

Senator DEMINT and I share a profound commitment to free speech, and he has written eloquently on its importance for our Nation. ''Good government,'' he has written, ''is a result of freedom debated.'' He has called the

right to free speech the ''most treasured benefit of living in a free and democratic nation.'' And he has certainly exercised that right to the fullest both here in the Senate and across the country.

Throughout his political career, JIM has always been guided by an unwavering commitment to freedom, and I know it is that same commitment to defend and enlarge our freedom that led him into this next chapter in his life. It is this passion to defend freedom, both for Americans here at home and for our allies around the world, that has struck a chord with so many Americans and helped make JIM a national figure—not to mention a best-selling author.

In addition to the fact that he and his staff have helped address more than 30,000 constituent inquiries during his time here in the Senate, it is also why JIM has remained so popular with his constituents back home, and it is why his colleagues here in the Senate are so sad to see him go.

JIM leaves with a legacy. He has been a real champion for limited government and constitutional conservatism on the national stage. But what has always guided him most over the years is the conviction that most decisions are best made at the local level. And whether it is his work with veterans, in promoting adoption, or in reforming education, that is what he has always stressed.

So I want to thank the Senator from South Carolina for his sterling service to the Palmetto State and to our country. I wish him and Debbie and the entire DeMint family all the very best in the years ahead. Godspeed, Senator DEMINT.

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 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 Republicans controlling the first half.

The Senator from Utah is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRIBUTE TO DEPARTING SENATORS

JIM DEMINT

Mr. HATCH. Madam President, I wish to say a few words about my colleague JIM DEMINT. We have had a lot of really good people during my service here on both sides of the aisle. I have friends who have passed on and who made such a difference around here. I have to say that JIM DEMINT has been a rock-ribbed conservative who I think has made a great difference in this body and for whom I have a lot of respect. I have profound gratitude that he has fought as hard as he has for the principles he believes in, most of which I believe in.

I wish him Godspeed as he works over at the Heritage Foundation. I can't imagine a better place for somebody who loves the issues, wants to play a role, has played a role, understands this body, understands the political nature of this country, and has been very active in trying to change this country for the better. JIM has those kinds of abilities. I wish him well, and I sure hope he will have a great time while he is over at the Heritage Foundation. I have great respect for him. I think most people who really know him have great respect for him. I always respect people who really do what they believe, and JIM DEMINT has exemplified that as well as anybody I know.

TANF

Mr. HATCH. Madam President, I rise today to speak about important issues facing us as we work to reauthorize the Temporary Assistance for Needy Families Program, the TANF Program. Poverty has risen to a crisis level in our country. In 2011 there were 16.1 million children in families with incomes below the poverty level.

The pernicious effects of poverty have implications for children's health, education, and well-being. Research has demonstrated that there are significant associations between poverty and problems with children's health, cognitive development, behavior, emotional well-being, and school achievement. These problems are exacerbated for families in extreme poverty, where the annual income is less than half of the poverty level. In 2011 there were over 7 million children in the United States living in extreme poverty.

Poverty is also a risk factor for child abuse and neglect. Data assembled by the Center for Law and Social Policy reveals that poverty is the single best predictor of child maltreatment. Children living in families with annual incomes below $15,000 were 22 times more likely to be abused or neglected than those living in families with annual incomes of $30,000 or more.

According to a report from the Children's Defense Fund, ''Children of color continue to suffer disproportionately from poverty.'' The Children's Defense Fund cites data showing that more than one in three African-American children and more than one in three Hispanic children were poor in 2011, compared to a 1-in-8 ratio among White non-Hispanic children.

These families face huge challenges navigating the bare necessities of daily life. Fresh healthy food can be rare. Unsafe housing contributes to chronic child health issues such as asthma. Transportation to and from work, the grocery store, and the doctor can be infrequent and unreliable.

Programs funded through TANF—the Temporary Assistance for Needy Families Program—provide cash assistance to families struggling in deep and persistent poverty. TANF is a block grant to States for their use in ending dependence on government benefits and, more broadly, to promote child well-being. TANF Programs can also provide work support such as transportation assistance and childcare for families working to get themselves out of poverty and into decent-paying jobs. In addition to safety net and work support programs, TANF also funds a number of child welfare programs that, when effective, reduce the number of children in foster care and help keep families together.

When TANF was enacted, many States used the funding stream in an effort to move welfare recipients into work. However, over time the focus of TANF in many of these States has shifted from working with job-ready adults to a funding stream largely dedicated to funding purposes unconnected to job readiness.

For many years I have expressed concern that nationwide over 50 percent of able-bodied adults receiving cash assistance are reported to engage in zero hours of work-related activity. Additionally, I have raised concerns that most States are not able to meet the Federal work-participation rate. This work-participation rate requires that a State engage half of its cash assistance caseload in specified work-related activities for a certain number of hours each week.

If you ask the average middle-class American how many able-bodied adults receiving welfare should be engaged in work or work-related activities, my guess is the answer would be all of them. It should be shocking to the American people that most States are not able to engage half of their welfare caseloads in such activities.

Furthermore, I have raised concerns that there is a considerable amount of TANF spending on child welfare programs that goes unaccounted for and is not coordinated with possibly duplicative spending administered by State child welfare agencies.

Authority for TANF expired at the end of 2010. Unfortunately, although this is a matter of serious concern, the Obama administration has never proposed a 5-year reauthorization of the TANF Program. Instead, on July 12, 2012, the Department of Health and Human Services released a document, which they inaccurately described as an ''Information Memorandum,'' to the States claiming on behalf of the Obama administration unprecedented waiver authority over TANF work rules.

This action provoked a swift and strong condemnation from members of the legislative branch and rightly so.

Many Members of Congress believe the welfare waiver document constitutes an excessive and unwarranted overreach on the part of the executive branch. The Government Accountability Office agreed with us and has determined that the July 12, 2012, document is, in fact, a rule as defined by the Administrative Procedures Act and as such should have been submitted to Congress for review.

Since the welfare waiver is considered a rule, like all rules, it is subject to a joint resolution of disapproval under the Congressional Review Act. The Senate Parliamentarian agrees with the GAO, and she has advised that for purposes of the CRA, that is, the Congressional Review Act, this rule should be considered to have been received by Congress on September 10, 2012, even though the administration failed to submit it as required by law.

The CRA provides the Senate with a procedure for expedited consideration and a vote on a resolution of disapproval during a certain window of time so long as at least 30 Senators have signed a discharge petition to bring the resolution to the floor. I have introduced such a resolution, S.J. Res. 50, which provides for congressional disapproval of the rule submitted by the Department of Health and Human Services relating to the authority to waive Federal welfare work requirements under section 407 of the Social Security Act. Having introduced it within the required timeframe under the CRA and having obtained enough signatures on a discharge petition, it is within my rights as a Senator to call for a vote on my resolution prior to the Senate's adjournment this year.

Now, I am not naive, nor am I overly idealistic. I am well aware that the vote on S.J. Res. 50 would likely fall along party lines, and this is disappointing. It is clear that the administration's purpose in granting themselves this waiver authority is to undermine a work-first approach to getting welfare recipients or clients off the rolls. This has been the desire of many critics of Clinton-era welfare reforms since they were enacted.

The administration has not been forthcoming at all about what they want to substitute for a work-first approach. In the past, absent strong Federal performance standards, States have allowed activities such as journaling, exercise, or assisting a neighbor, just to name a few, to count as work for the purposes of welfare eligibility.

Here is why I have such a problem with this shift in policy: I believe most people receiving welfare are unhappy with their situation and want to be able to work. Even with assistance, families trying to survive on cash-assistance welfare are living in desperately impoverished circumstances. The reasons some families have to go on welfare can be, of course, complicated. Many adults on welfare struggle with mental health and substance abuse issues. These barriers to work prevent adults on welfare from having work-readiness skills. Additionally, inactivity and the lack of attachment to the workforce can exacerbate mental health and self-medicating tendencies and create a downward spiral for these families, and it can be very hard to reverse course.

Over the years, research has consistently revealed that a work-first approach to welfare, combining an intense effort to engage recipients in work-related activities to foster an attachment to work with a blended array of work supports, such as education and training, has the greatest degree of success in getting clients off of welfare.

The reason I am so vehemently opposed to the administration's scheme to undermine the welfare work requirements is that I believe it will hinder, not help, the effort to get adults off welfare and into the workforce. Put simply, allowing activities that are not work to count as work will not get people off welfare.

The administration and their apologists have not even tried to make a policy case for their non-work-first approach. Instead, apologists of the administration's welfare waiver rule generally attempt to obfuscate and distract from the fact that the Obama administration granted themselves waiver authority to bypass the legislative branch with the goal of weakening welfare requirements.

Let's take a look at some of their arguments. Right out of the gates, supporters of the administration's policy argue that members of the legislative branch asserting their rights in the face of executive overreach were simply trying to give the Romney-Ryan campaign an issue.

Well, in case anyone hasn't heard, the country recently held an election, and President Obama was reelected. There is no longer a Romney-Ryan campaign, so that distraction falls away.

Apologists of the executive overreach have also tried to muddy the issue by suggesting that the administration is giving the States what they asked for. For example—and I take this a little personally—in an effort to create a false justification for their power grab, the Obama administration has repeatedly misrepresented the views of the State of Utah. It is true that when asked by the administration what they wanted in a TANF reauthorization, some States indicated the desire for more flexibility, but there was never any indication that the States wanted the administration to go around Congress to provide this flexibility.

According to the Government Accountability Office, between 2000 and 2009—during the Clinton, Bush, and even the Obama administration—HHS consistently told States that they had no waiver authority under TANF. So States naturally and rightly assumed that any requests for waivers would have to go through Congress. This is evidenced by the fact that in the 6 months since HHS granted itself authority to waive welfare work requirements, not a single State has applied for one of these waivers. In other words, any argument that the need for State flexibility is so urgent that the administration had to bypass Congress to give it falls by the wayside. Once again, we see a distraction crumble under the weight of the facts.

Another distraction raised by supporters of the administration is comments from a former House Ways and Means staffer to the press indicating that he thought additional flexibility for States might not be a bad idea. Of course, this same staffer also said that unilaterally establishing these waivers without consulting Congress was not the way to go. If that is the best expert opinion supporters of the administration can come up with to support this shift in policy, they have clearly failed to make their case.

Once we cut through all of these distractions the administration and its allies have tried to throw in our path, we are left again with the heart of the matter. The Obama administration is trying to bypass Congress and enact policies that are not provided for under current law. Whether or not one agrees with the administration's change in policy, that simple fact remains and we ought to stand up for the prerogatives of the legislative branch. That is why we have three separate branches of government, so that we have some checks and some balances in our society.

As a Member of the Senate, I simply cannot stand by and watch the administration undermine the relevance of the legislative branch. I cannot stand by and see Members of the House of Representatives who have worked for years to develop expertise on welfare policy turned into potted plants.

But there is more than one way to stand up for the U.S. Congress. The country has been through an exhaustive and highly partisan election. Some call it a status quo election. The country has elected a Democrat to the White House and sent back a divided Congress. No one side can claim a mandate, in my opinion, and I think in the opinion of most people. What the American people want is for Democrats and Republicans and the President to work together to get things done for the American people, and get things done right for the American people. One of the things we need to get done is a comprehensive overhaul and reauthorization of TANF. Welfare-work requirements need to be updated and strengthened, certain loopholes need to be closed, and there must be increased transparency and accountability relative to TANF spending on child welfare programs and services.

In order to begin bringing all sides together, particularly after such an acrimonious political period, someone must make the first move. Therefore, as an act of good faith, in order to facilitate a collegial bipartisan working

relationship on TANF, I am putting my colleagues on notice that earlier today I sent President Obama a letter informing him that I will not insist on a vote on my resolution of disapproval during this session of Congress. In the spirit of compromise and bipartisanship, I have asked President Obama to respond to my action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a 5-year TANF reauthorization proposal to the Congress. If there are aspects of the welfare waiver rule the administration wishes us to consider, I hope they will include them in their proposal so they can be debated and negotiated here in Congress.

I have written to the President and told him I am committed to working with his administration as well as Chairman CAMP and Chairman BAUCUS to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress. I made this offer to President Obama with good will and in good faith. However, if the President rebuffs my overture, the Congressional Review Act will afford me this opportunity for another vote on a resolution of disapproval next year. This is because even if the Senate meets in legislative session every day until January 3—including Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and all weekends—there will not have been 60 session days between the date the welfare waiver rule is deemed to have been submitted to the Senate and the convening of the 113th Congress. Since the 112th Congress will end before the full 60-session-day period has elapsed, the Congressional Review Act provides for another 60-day period to act on a disapproval resolution regarding this rule in 2013. I hope it doesn't come to that. Therefore, if President Obama does not withdraw the welfare waiver rule, submit a 5-year TANF reauthorization plan, and then work with Congress to enact meaningful, comprehensive welfare reform that strengthens work requirements and provides for improved accountability of TANF spending, I will be right back here in a few months exercising my right to demand a vote on a new resolution of disapproval under the Congressional Review Act.

I sincerely hope it does not come to that. As my colleagues know, I have a long history of forging bipartisan compromises on welfare, among many other things. I was a key player during the 1996 consideration of welfare reform that was passed by a Republican Congress and signed by a Democratic President. In 2002, Senator Breaux and I worked with Republicans and Democrats to draft the so-called ''tripartisan'' agreement on welfare reauthorization. I stand willing to work again on a bipartisan basis on this important issue at this most critical time.

As Members of Congress, I believe we have a moral obligation to do what we can to help those facing staggering challenges and deep and persistent poverty. We can begin to meet this moral obligation by strengthening and improving the TANF Programs for the working poor, the middle class, and children in the child welfare system.

In America today we have women who take their children with them rummaging through trash cans, hoping to find discarded soda cans so they can sell them back to stores. In America today we have families who every month must make painful decisions about whether to buy food or medicine or whether to pay to heat their home or put gas in their car. Many single moms have no good choices when it comes to providing childcare for their children while they attempt to find work. I can think of no group of Americans more deserving of having the Senate's time and attention directed toward crafting policies designed to help improve their lives.

If my colleagues look over my past 36 years, I have been there for these Americans. I was there in enacting TANF. I was there on a number of child welfare programs. I was there on the Child Care and Development Block Grant. I was there on the Americans With Disabilities Act, and countless other bills. These bills I worked on have helped to make a difference.

But I am concerned that increasingly, we are becoming a welfare society. A lot of people aren't going to go to work, and every time, every quarter, we find more and more people who won't even look for a job anymore. That is not the way to run a great country. That is not the way to help people to be self-sufficient, it is not the way to help people to be self-reliant, and it is not the way to keep a country great.

This is an important issue. I believe everybody in the Senate ought to stand up for the rights of the Congress. And I believe the President can show great good will here if he would do what I have suggested, which I think my Democratic colleagues would appreciate as well, and that is send up the 5-year reauthorization of TANF and of course withdraw that particular approach toward waivers that literally should not ever be granted without congressional consent. I think the President would come a long way by doing that and it would mean a lot to me personally. Let's hope we can get the President to consider these remarks this day because they have been delivered in good faith, hoping we will find solutions to these problems and, above all, hoping we can help our people.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam 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. WHITEHOUSE. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, in every corner of the globe—from pole to pole, and from the top of our atmosphere to the depths of our oceans—we see evidence of the fundamental changes that are taking place across our Earth.

In 2012, North America experienced a number of unusually severe events and passed several ominous milestones. These episodes have driven a shift in attitude—a realization, really, among Americans. As we head home for the holidays this year, each of us is likely to find back in our home States that more and more people are convinced that climate change is happening, and that it is deadly serious.

Here are just some of the extraordinary events that occurred as we look back on this year, 2012.

January 2012 was the fourth warmest January experienced in the contiguous United States since we began keeping records. And we began keeping records in 1895. By the end of January, snowpack in the Sierra Nevada Mountains was 50 percent less than normal.

February 2012 marked the end of the fourth warmest winter on record—an above-average start to the year but not extremely so.

Then this happened: March 2012. March 2012 was the warmest March on record. Every State in the Nation experienced a record daily high temperature in March. There were 21 instances of nighttime temperatures—nighttime temperatures—being as warm or warmer than the existing daytime record temperature.

It was also in March that a University of Texas poll asked respondents if they thought climate change was occurring. Madam President, 83 percent of Democrats said yes; 60 percent of Independents said yes; 45 percent of Republicans said yes.

As 2012 went on, things did not slow down much for the lower 48 States.

April 2012 would become the third warmest April on record. I came to the floor in April to speak about another milestone surpassed that month. For the first time—for the first time—one of NOAA's remote monitoring sites—this one in the Arctic—recorded a concentration of 400 parts per million of carbon dioxide in the Earth's atmosphere, crushing records that go back 8,000 centuries. For 8,000 centuries mankind has inhabited a planet with an atmosphere with carbon concentration being 170 and 300 parts per million. We have broken out of that. For the

first time, in April, we hit 400 parts per million.

By May, it was no surprise that spring 2012 was a full 2 degrees Fahrenheit warmer than the next warmest spring in recorded history. May was the second warmest ever.

June was only the eighth warmest June, but it officially marked the end of the warmest 12-month period the United States of America has ever experienced.

Across the lower 48, July was not only the warmest July on record, it was the all-time warmest month in America in recorded history. According to the U.S. Drought Monitor, 62.9 percent of the contiguous U.S. was experiencing moderate to exceptional drought by the end of the month—nearly two-thirds. Madam President, 62.9 percent was experiencing moderate to exceptional drought as a result of this being the all-time warmest month.

As the mercury climbed in July, so did agreement among Americans on the crisis of climate change. That University of Texas poll was taken again, and the percentage of Democrats convinced of global climate change had risen to 87 percent in July, up from 83 percent in March. Among Independents, the percentage went from 60 percent up to 72 percent. And Republican believers in climate change became a majority. They went from 45 percent to 53 percent.

By August we had experienced the third hottest summer in the history of the continental United States. In the West, 3.6 million acres were ablaze with wildfires—nearly twice the August average, and the most in the 12-year period of record.

August also brought bad news from the North. The University of Colorado's National Snow and Ice Data Center and NASA announced that Arctic sea ice had reached a record low area of 1.58 million square miles—nearly 70,000 square miles smaller than the previous modern record low. Over the past three decades, average annual temperatures had increased twice as much over the Arctic as over the rest of the world. The average extent of the Arctic sea ice has declined by 25 to 30 percent in that time, and the rate of decline is accelerating.

September 2012. September 2012 was the 16th month in a row that the contiguous United States recorded an above 20th century average temperature.

October finally ended that record streak with a temperature across the lower 48 that was 0.3 degrees Fahrenheit below the long-term average. But October also brought us, as the Acting President pro tempore so well knows, Hurricane Sandy, Superstorm Sandy. It was the largest Atlantic hurricane on record, claiming more than 100 lives, and the second costliest. The cleanup in my home State of Rhode Island and across the east coast—I know most agonizingly in New York and New Jersey—is still underway. This week in the Senate we are working to approve a $60 billion aid package which will help restore that damage.

HAZARD MITIGATION

Let me step aside of my climate remarks and speak for 1 minute to that because as we consider this supplemental appropriations bill, long-term mitigation must be part of this discussion. We should not replace and rebuild what was damaged just as it was. We need to replace and rebuild smarter. Sandy is a preview of what is to come. Infrastructure that failed or flooded should be replaced to higher standards; at-risk roads, wastewater treatment plants, and other utilities need to be relocated to safer places.

If disaster strikes, as it has, and we do not plan ahead, as we are being urged not to, we will squander Federal dollars. A 2005 study by the National Institute of Building Sciences showed FEMA hazard mitigation efforts yielded an average cost-benefit ratio of 4 to 1—$4 saved for every $1 spent. Let's not be foolish.

A prime example of this sort of smart planning was in the Acting President pro tempore's home State at Point Lookout, Lido Beach, and Atlantic Beach. These communities invested in sand dune buffers—sand dune habitat buffers. When Sandy came, they suffered relatively little damage compared to nearby Long Beach, which had decided against maintaining a sand dune buffer and ended up with an estimated $200 million in property and infrastructure damage.

Coastal wetlands act like sponges during flooding events. They absorb water. They dissipate wave energy. They protect against storm surge. They are an important part of our coastal defenses in coastal States. Natural dune systems on barrier islands and beaches do the same. They are part of our natural defense against coastal storms. These natural defenses must be protected and strengthened for our future safety. And I hope that even Senators who come from landlocked States can appreciate what this means in coastal States.

So back to Sandy. While it is impossible to say specifically that climate change caused Superstorm Sandy, we know that warmer oceans, warmer, moister air, and higher sea level all add to the power and danger of these extreme storms. We know that climate change ''loads the dice'' for such storms.

Madam President, 2012 marched us past even more portentous milestones. NOAA reported that November 2012 was the 333rd month in a row—the 333rd month in a row—that the global monthly temperature was above the 20th century average. The Earth has not seen a single month below 20th century average temperatures since February of 1985. Some of these interns and pages here were born after that. They have lived their entire lives in that environment.

According to the National Climate Data Center, 2012 is set to be the warmest calendar year on record for the contiguous United States. December would have to be one full degree Fahrenheit colder than the coldest December on record to prevent that from happening and make up for the exceptionally hot first 8 months of the year.

The overwhelming majority of scientific research indicates that these observed changes in the Earth's atmosphere are the direct result of human activity; namely, the emission of carbon dioxide from the burning of fossil fuels.

Just last week, Dr. James Powell, former Reagan and George H.W. Bush appointee to the National Science Board, released a new review of the scientific literature, in which he searched for articles that expressly reject human-caused global warming or propose an alternate explanation. He looked at 13,950 peer-reviewed climate articles—nearly 14,000 peer-reviewed climate articles. Madam President, 24—24—either rejected global warming trends or denied the human contribution to warming.

I am not even sure if viewers looking at this on C–SPAN can see it, but on this circle pie graph I have in the Chamber, this little red line depicts the 24 articles out of the 14,000. It is a tiny fringe.

The science is clear, and more and more Americans accept that the science is clear behind climate change. An AP poll out just last week found that 78 percent of Americans accept the reality of climate change.

The findings, like the University of Texas poll, break it down by political party: 83 percent of Democrats, 77 percent of Independents, and 70 percent of Republicans. So the real debate in this country is not whether humans are altering our climate but how severely we will do so and how as a society we will respond to this challenge.

Although some Members of this Chamber continue to deny the existence of climate change, Americans are aware that our Nation is vulnerable to extreme weather events. They are aware that climate change loads the dice. They are aware that carbon pollution continues unabated, and they are aware that Congress has failed to act.

The public is ready for us to take action, but we are not. We are, as I have said in a previous speech, sleepwalking. As Congress sleepwalks, Americans actually are taking action on their own. In coordination with the nonprofit organization 350.org, for example, students at more than 150 colleges and universities across the country are pressing those institutions to sell off the portions of their endowment portfolios that are invested in fossil fuel companies. These students are imploring their schools to weigh the real cost of climate change against the drive for greater financial returns and divest from the polluters.

This type of divestment campaign was employed effectively in the 1980s to pull investment from South Africa during apartheid. With American college

and university endowments estimated to total more than $400 billion, this movement by students deserves significant attention.

In the Senate key legislation such as the Water Resources Development Act must reflect the reality that our climate and environment are changing, that we need to prepare for these changes. We should take direct legislative action to mitigate climate change. We should defend the administration's carbon pollution standards which will require new and existing powerplants to clean up their smokestacks.

The United States must support the Department of Defense, the world's single largest consumer of oil, as a leader in energy efficiency and alternative fuel development for our national security sake. We must extend the production tax credit as our colleague, Senator MARK UDALL of Colorado, has so often and so eloquently pressed us to do. The American Wind Energy Association is pushing for a 6-year extension of the production tax credit to grow a vibrant wind power industry in America.

A greener economy provides a cleaner and safer future for Americans. More Americans already work in the green industries than in the fossil fuels industry. A Brookings Institution report found the clean economy employs 2.7 million workers. That is manufacturing and exports, the kind of jobs that support a strong middle class. But in Congress we are sleepwalking through history. We are sleepwalking through history, and we must wake up; awaken to our duties, awaken to our responsibilities, awaken to the plain facts that lay all around us if only we would open our eyes and see them.

The public has every reason to want to grab us and give us a good shake. We are sleepwalking through this era, lulled as we sleepwalk by the narcotics of corporate money, corporate money out of the polluters and their allies. We are lulled by the narcotics of manufactured doubt planted in a campaign of disinformation by those same polluters and allies. But history is calling us loudly and clearly. History is shouting in our ears. We are oblivious, sleepwalking along.

The people across the country and around the world are counting on us. They are imploring us. We have responsibilities to them. Yet in Congress, we ignore the facts. We ignore our duties. We sleepwalk on. It is irresponsible and it is wrong.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

REMEMBERING DANIEL K. INOUYE

Mr. BAUCUS. Madam President, I would like to say a few words about our close, beloved friend, colleague, Danny Inouye. I am hard pressed to think of anyone in this body I respected and loved more than Danny Inouye. His broad smile, his desire to work with you, help you, his interest in finding common ground, his decency, his honesty, his forthrightness, and his dedication to service is unsurpassed.

Someone pointed out to me that when Dan was first chairman of the House Appropriations Committee, he passed all of the measures through his committee virtually unanimously. We should stop and think about that for just a second. This place is now so polarized, it is so difficult to get measures passed. But Dan, as committee chairman, worked with his members so virtually every bill in his first year was passed unanimously. There was one that was 29 to 1.

If only we would stop and reflect on that a bit, it would help us to work better together. Dan also worked very closely with Ted Stevens. One time Ted was chairman of the Appropriations Committee, another time the ranking member. The two of them worked very closely together to get measures passed through the Appropriations Committee. Other committees do the same; the chairman and the ranking member work well together. Regrettably, those measures then come out to the floor and become very polarized. That toxic dynamic of this echo chamber, Washington, DC, takes over once measures get on the floor.

Everyone will talk about Danny as a military hero. He certainly was in so many respects. When Pearl Harbor was bombed, he tried to sign up, and he was refused because he was Japanese American. The Japanese were the enemy. But he and others petitioned the President and he was able to finally sign up.

Danny served his country, our country, fully over in Italy, losing an arm. He was such a hero, storming several German machine-gunner nests. He was so brave because he was American. He was fighting for his country.

Some may have mentioned, or some might in the future mention, Danny's statement to many of us who went to a Prayer Breakfast a few months ago. Dan did not ever go to any Prayer Breakfasts, but he went to one. He wanted to explain why he did something. It was one of the more touching moments in my memory here. It is when Danny went through a bit of his life, explaining how he was—in Hawaii, in a foster home or an orphanage, something similar to that, and a bishop would come by monthly to each of the young children, and say: What can I do for you, young lady; you, young man?

Danny right away said: I want a home. And Danny explained how he then went to live in the Security home, raised by nuns. That went a long way to help Danny appreciate and understand decency, working together, community. It meant a lot to him.

Later, at Pearl Harbor he wanted to sign up. He did and served. But when he explained all of this to us, he then mentioned how he stormed—he was a very good shot. He was an excellent shot. He was a marksman. He was a sharpshooter. He recounted the first German he shot and killed in Italy.

At that moment he was pretty proud of himself, very patriotic. I am a good shot. I am an American. I got that German. They were engaged with the enemy frequently. He shot a few more Germans. One time he stormed a tower. There was a machine gunner up in the tower. Danny rushed up. Prior to that time, one of the solders threw a grenade or shot a bazooka. It blew up most of the Germans there in that tower.

Danny stormed up the stairway, got up there and there was one still alive. Danny's immediate reaction was to use the butt of his gun to hit the soldier so the soldier could not shoot him. Well, at that moment, the soldier then reached into his pocket and pulled out photographs, photographs of the soldier's family, the soldier's mother, the soldier's brothers and sisters and children.

Danny, in that instant, it was like an epiphany. He then realized he was not shooting the enemy, he was not shooting soldiers, he was not racking up statistics, he was killing people, a person, a real live person. It hit him so hard he then decided he had to leave. He had to stop this. He could not go on killing people.

He went to the chaplain and said: Chaplain, I have to leave.

The chaplain said: Well, I understand. That is your right. But maybe it is best if you stay in the service.

Danny stayed. Danny said a lot of people count sheep going to sleep at night. Danny stayed awake at night. He could not sleep. He was counting the soldiers he shot and killed, and that had a huge, profound effect on him.

Years later, the Senate was debating the Iraq war resolution. Senator Byrd walked up to Senator Inouye. Senator Byrd, as we will recall, was very much opposed to the United States entering the war in Iraq. He stood up on the Senate floor and very eloquently explained why it was the wrong thing to do—the United States should not send troops over to Iraq.

Well, Senator Byrd walked over to Danny and said: Danny, I have to ask you if you can support this resolution. I know you cannot because, my gosh, you are a war hero and given your military service.

Danny right away said: Oh, no, I will vote with you because it is the right thing to do. It is wrong for the United States to send troops over to Iraq.

Danny said it was largely because of that experience, when that soldier reached in his pocket and showed him photographs of his family, that it just changed him. It changed Danny and made Danny realize the importance of not going to war unless it is absolutely, totally necessary, and going to Iraq was not necessary.

I was so impressed with Danny in so many different ways. When I was first here, Danny was assigned to defend Harrison Williams who was charged with ABSCAM violations. I remember,

right over here on the side over here, Danny set up; that was his responsibility as a lawyer on the floor to defend Senator Williams. I was stunned at Danny's presentation. It was so good. It was so thoughtful. He spoke with such authority. Sure, he was a lawyer doing what lawyers are supposed to do, but as I said, it was stunning. He was an amazing man. It may be kind of a small thing. It may not be something that is repeated terribly often on the floor of the Senate, but I was stunned at how good he was. Other things I have also dealt with him personally on, matters dealing with the Appropriations Committee and sometimes on matters dealing with Montana.

I was really honored; we have this tradition around here called the secret Santa where we give presents secretly to one of our colleagues. I drew Danny Inouye's name. I was Danny's secret Santa. I thought: My gosh, what am I going to do to sufficiently honor Danny?

I thought a little bit. Years ago there was something in Montana called the Devil's Brigade. During World War II the U.S. military joined with Canadians and set up secret training for rugged men, mountaineers, miners and loggers, and so forth to go over to Europe and help fight the war.

It is interesting, this is a precursor to all of special operations: Navy SEALs and Rangers and all of the special operations sprung from this secret, joint U.S.-Canadian effort in Montana. It was called the Devil's Brigade.

They went over in their first big operation to scale a cliff that was outside Rome, a hill held by the Germans. The Germans thought no way in the world would someone come up the cliff, so we will not defend the cliff.

Sure enough, the Devil's Brigade climbed that cliff at night. They beat the Germans up on the top. I thought this was a great gift for Danny since World War II and Italy meant so much for him.

But, regretfully, when I went to the little ceremony, Danny was not there and I could not give him my Secret Santa gift—but it is a small thing. As I walked over here, the secretary in my office said: Senator, you should see this. A letter came in today, just today, this morning. It is from Danny, and it was wishing me happy birthday. My birthday is 4 days after Pearl Harbor, and it just poignantly hit me. This was something thoughtful Danny did. He did it himself. It wasn't an office letter. It was something he wrote himself.

I will just finish. There were a lot of things about Danny, but the one thing I think that is so appropriate, again, Dan was such a statesman. He was beloved, obviously a hero, and all the things we like to talk about.

I would like to read a little excerpt from a book. It is a preface Dan wrote. Dan wrote his own personal history. It is a ''Journey to Washington'' by Senator Danny Inouye.

There is a preface, written by Senator Mike Mansfield, at the beginning of the book, and I would like to read this preface. It summarizes Danny.

> The life of Danny Inouye has carried him from the streets of Honolulu into war, into law and political leadership in Hawaii, and, now, into the Senate of the United States as the first American Senator of Japanese ancestry. Dan Inouye's life is a personal triumph, a triumph of a man's courage and determination. But his triumph is, in the end, the triumph of America. The recognition which has come to Dan Inouye, like others before him, reveals the resilient capacity of this nation for replenishment, with energy and wisdom drawn from the many wellsprings of the human race. The story of Daniel Ken Inouye, an American, is, in truth, an enduring chapter in the story of America.

So, Danny, aloha.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business.

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

Ms. MIKULSKI. I would like to compliment the Senator from Montana on his deeply moving and so personal reminiscences. It was both touching and manly. Thank you very much. It was inspirational.

HURRICANE SANDY

Madam President, I come to the floor—and I am so glad the Senator from New York is the Presiding Officer—because here we are, the Chamber is vacant. It looks like the Senate is not moving. The Presiding Officer is a Senator from New York, along with Senator SCHUMER. I am a Senator from Maryland, and we have been hit by a hurricane. We have been hit by Hurricane Sandy.

I come to the floor to say, as we reflect on the life and times of Senator Danny Inouye, we should also reflect on his work, which is to move appropriations bills in a timely way—and particularly when that appropriations bill deals with the supplemental appropriations to meet the compelling human needs of our communities and our people when they have suffered a natural disaster.

The clock is ticking. We have businesses that need to restart. We have homes that need to be rebuilt. In my own State of Maryland, we had a double whammy. As the hurricane came forth on our coastal areas along the beloved Chesapeake Bay and the Atlantic Ocean, we were hit by the hurricane. Then up in western Maryland, Garrett County, called the Switzerland of Maryland, we were hit by a blizzard—a blizzard.

Where are we now? It has been days. The TV cameras have left, but the compelling human need has not.

What is the Senate facing? Inertia, parliamentary roadblocks, and we are fussing about the budget. I believe we need to have a more frugal, sensible government, but these are the American people. Sometimes I am for helping other nations around the world, but after a natural disaster, while we have been busy rebuilding Afghanistan, how about if we rebuild New York, New Jersey. How about getting my communities up and running along the coast of the Chesapeake Bay and communities such as Crisfield. These people are not asking for a handout; they are asking for a hand up. These are the American citizens who pay their taxes on time. Then why doesn't the Senate act on time? I am deeply frustrated by the inertia and the parliamentary roadblocks for nothing.

Look what this would mean. We could show hope and help. Actually, along the way, the very things we will do will be creating jobs in the local community because this is physical reconstruction—and, I might add, the reconstruction of human lives.

The Senator from New York knows so well; she told me the moving stories of the firefighters themselves, our gallant first responders who suffered terrible fires in their own home communities. What a horrible thing. I know if the Presiding Officer came over with me to the Eastern Shore and went down to the community of Crisfield, she would be touched. This is a wonderful community, but they have had some hard times. They have a 94-percent unemployment rate. Our agriculture and our seafood industries have been hit by drought and declining species. Our industries have been hard hit. In these rural areas, these homes have been in these communities for generation after generation after generation.

The western shore lobbyists who come in or appraisers who are looking for Gucci waterfront property might value these small, tidy, well-maintained homes for appraisal value, but the appraisal was in the hearts of my people of Crisfield. Generations have lived there. Generations have worked there. Generations have sent their sons to fight the wars—and now their daughters. All they want is for their country to help them rebuild, get the mold out, get some assistance coming in so they can buy their crab pots and get back to work. They want their homes. They want to get their lives back, and they want to get their livelihoods back.

What do we have here? Inertia.

When all is said and done, I am very tired that more gets said than gets done. This is the time to act. My constituents truly need help, and we have been here.

I am going to congratulate Senator MURRAY and Senator LANDRIEU, who chair the subcommittees in Appropriations on FEMA and THUD because it will be FEMA money and community development block grant money that will help these communities. Now we are going to need the Corps of Engineers for beach replenishment, public investments that will protect private property. It has been 2 months since Sandy, 2 months. Surely, we can act.

The President has made a request. Yes, it is a hefty $60 billion. But look at who was hit, a big city that is one of the heartbeats of America, New York, and a little community such as Crisfield. But no matter whether someone lives in New York City or in Crisfield, MD, they deserve the help from their government.

I say to my colleagues, let us think of the people we were sent to represent. We weren't sent to represent a bottom line; we were sent to represent people. I would hope we would put into place, that we would pass the President's request. We have great policies that were arrived at—and if you truly want to honor Senator Inouye, let us honor his own code of conduct, a gentle way, a civil way, a consensus builder, a bipartisan builder, and a worker to move this bill.

Senator Inouye chaired the full Committee on Appropriations these last couple years. His own staff shared a story with me, and it is relevant today.

He said: I chaired the Defense subcommittee, and that is how the Federal budget defends America. But my other committees, like Labor-HHS—and I might add housing, Federal disaster assistance—is how we define ourselves. So those who say let us make sure we defend America, let us also make sure we put the money in the Federal budget on how it defines America.

The way we define America is when one community is hit, all communities are hit. If New York is hit, Crisfield or Ocean City, all communities have been hit. We need to act like the United States of America because the disaster the Chair and I faced 2 months ago could be somebody else's disaster tomorrow. And the real disaster should not be in the Senate because we failed to act.

I call my colleagues to the floor, and I call them forth to pass these appropriations. I look forward again to working on both sides of the aisle to have a safer country from either a defense or a disaster perspective, and I also look forward to moving this bill in a way that we will define our country, that we are a country that helps, neighbor helping neighbor.

I yield the floor.

Mr. LEAHY. Madam President, I wish to praise the senior Senator from Maryland. I was out here listening to what she said but not just the words. She believes them. It is a passion. She cares.

She and I have served on the Appropriations Committee for about 100 or 200 years, I think. She was a child when she went there, but we have served there together. We both have lost one of our dearest friends, Senator Inouye.

But over and over in that committee, I have heard her stand and say: People are involved. These are human beings, and we ought to stand up for them.

As the distinguished Presiding Officer knows, because she represents New York State, when we have a disaster of this unbelievable amount, the whole Nation is supposed to come together. We are the United States of America. We are not the State of New York, the State of Maryland, the State of Vermont; we are the United States of America.

We have come together as a country. Whether the disaster has been in California, on the east coast or in Southern States or in the West, we come together, and that is what we are trying to do. I would defy any Senator who has worried about coming together to help these people to go to one of the homes. Go to one of the homes on Long Island. Go to one of the homes that has been devastated. Go to one of the businesses where we have a couple who spent their whole life building up their business, hoping to have something to leave to their children, and now they are looking at rubble. Come on. These are real people. This is the United States of America.

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. Madam 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.

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 resume consideration of H.R. 1, which the clerk will report by title.

The assistant 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.

Pending:

Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.

Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.

Merkley amendment No. 3367 (to amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs.

McCain/Coburn amendment No. 3355 (to amendment No. 3338), to strike funding for the Emergency Forest Restoration Program.

Tester amendment No. 3350 (to amendment No. 3338), to provide additional funds for wild land fire management.

Coburn/McCain amendment No. 3371 (to amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters.

Mr. LEAHY. Madam President, I see the distinguished senior Senator from New Mexico on the Senate floor, and I yield to him.

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

Mr. BINGAMAN. I thank my colleague Senator LEAHY.

Madam President, what is the pending business before the Senate now? Is it an amendment to this legislation?

The ACTING PRESIDENT pro tempore. Amendment No. 3371 is the pending business.

AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 3344 and ask for its immediate consideration.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. WEBB, and Mr. WYDEN, proposes an amendment numbered 3344.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha)

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)).

Mr. BINGAMAN. Madam President, this is an amendment offered by myself

and cosponsored by Senators Webb and Wyden. It would provide for the approval of an agreement between the United States and the Republic of Palau in response to Supertyphoon Bopha.

Few people are aware that as Hurricane Sandy was making its landfall in the northeastern part of our country, the United States, a supertyphoon known as Bopha was tracking a path of destruction across the western Pacific. The Republic of Palau, which is one of our closest allies and with which we are tied by a strategic alliance known as the Compact of Free Association, was struck by Bopha on December 2, causing extensive damage. The President of Palau declared a state of emergency, and the U.S. President, acting through the Department of State, issued a disaster declaration for Palau.

This massive storm went on to kill over 1,000 people in the Philippines. Fortunately, there were no deaths in Palau, but high winds and storm surge and torrential rains caused widespread damage.

A week ago the Ambassador from Palau, the Honorable Hersey Kyota, wrote to me as the chair of the Committee on Energy and Natural Resources, which has jurisdiction for assistance to nations that are in free association with the United States. The Ambassador asked for my help in responding to the disaster, but he did not ask for additional funding. Instead, the Ambassador asked that the agreement on future assistance that was signed between the United States and Palau in 2010 be added to this emergency supplemental so the funding already agreed to by representatives of the United States would become available for disaster relief and recovery in Palau.

I fully support the request by the Ambassador. I am glad to have the cosponsorship of my colleagues Senator WEBB, who is chairman of the Asia-Pacific subcommittee, and Senator WYDEN, who, of course, is the incoming chair of the Energy and Natural Resources Committee, and I urge my colleagues' support of the amendment.

The amendment tracks S. 343, which was introduced by me in February of 2011. At that time it was cosponsored by Senators MURKOWSKI, AKAKA, and WEBB. The agreement to be approved would revise and update the Compact of Free Association that has governed U.S.-Palau relations since 1994 by extending and phasing out financial assistance over 11 years.

Palau is an island nation located strategically between the U.S. territory of Guam, the Philippines, and Indonesia. Captured in World War II, Palau became part of the U.S.-administered Trust Territory of the Pacific Islands. In 1994 Palau became a sovereign nation in free association with the United States under a 50-year compact that grants the U.S. military rights that the Department of State calls ''vital to our national security.''

The compact also provided Palau with an initial 15-year term of assistance that ended in 2009. The agreement would extend and phase out U.S. assistance by 2024. Congress has provided stop-gap funding since 2009, but the Department of Defense wrote to our committee—the Committee on Energy and Natural Resources—in April of 2011 stating:

> Failure to follow through on our commitments to Palau, as reflected in the proposed [agreement], would jeopardize our defense posture in the Western pacific.

The agreement provides for the phaseout of financial assistance for operations, construction, and maintenance. The Congressional Budget Office's 10-year budget estimate for direct spending is $171 million. This U.S. commitment to future funding would make a crucial contribution to Palau's efforts to respond and recover from this present disaster.

U.S. failure to respond to the needs of this strategic ally in its time of need by simply approving the already signed agreement would signal to Palau and to most other nations in the Pacific that the United States is an unreliable partner. So I urge the support of my colleagues for this amendment and for approving the agreed-to assistance to Palau so they may have the resources needed to respond to Supertyphoon Bopha.

Madam President, I yield the floor, and 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.

Mrs. HUTCHISON. Madam 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.

FAREWELL TO THE SENATE

Mrs. HUTCHISON. Madam President, I rise today to address this Chamber for possibly the last time as the senior Senator from the great State of Texas.

I have to say it is an ironic note that if I had given my farewell address last week, there would have been so much joy in the halls of the Capitol, ringing with the laughter and the anticipation of our season's happiest time. But in just one weekend, a sadness has set in with the news of a massacre of innocent children in Newtown, CT, followed by the loss of our wonderful colleague, Senator Danny Inouye.

So I will leave this extraordinary institution and experience with a heavy heart for those who have been lost in the last few days.

I want to thank the people of Texas for asking me to represent them in Washington. I want to thank the many people who have served on my staff for almost 20 years. I have to say I am touched that both benches on both sides of this room are filled with my staff members who have been so hard-working and so loyal and have produced so much in 20 years for our State and Nation, and I thank them.

I want to thank my colleagues and all the people who work here, the Senators, but also those who work behind the scenes to make our lives as good as they can be with the hard hours we all have; those who keep our buildings safe and clean, who work in the libraries, the shops, the cafeterias, and who guide tens of thousands of tourists through our Nation's beautiful Capitol each year.

I want to thank my husband Ray and our two children Bailey and Houston. They are 11 years old now, and so many of my colleagues who were here when I started bringing my children as babies have watched them grow up. The Senate isn't easy on families. They have sacrificed so I could serve the people of Texas, and I am grateful for their patience and generosity. They have loved coming to the Capitol—11 years for the children and 20 for my husband Ray. And I know my children's fondest memory, if I ask them what do they remember most about visits to the Capitol, is playing soccer in the Russell Building's hallways in the evenings when the coast is clear.

I would not be here today if it were not for my parents who gave me the gifts of strong values, unwavering support, and education to be whatever I wanted to be. I must say that my parents were surprised when they saw what I wanted to be. They would never have thought that their daughter, growing up in LaMarque, TX—a town of 15,000 good people—would think she could be a United States Senator. We had a wonderful public school system, and I am proud to say I am a product of public education. My public schools in LaMarque—which were excellent—and my University of Texas and University of Texas Law School prepared me to be what I could be.

It has been a privilege to walk these halls in the Capitol of the world's greatest and longest serving democracy.

I think back to the days that stand out in our memories. September 11, 2001, of course, is the one none of us will ever forget. We know exactly where we were the minute we knew there was a terrorist attack on America. And though we suffered a horrific attack, the strength, resilience, and extraordinary acts of kindness of the American people showed the world that attempts to destroy our way of life would never succeed. On that day, no one could get in or out of Washington and many communications networks were inoperable. So when the Pentagon was hit and the Capitol was evacuated, my staff and I walked one block to my home on Capitol Hill. Just as an example, the husband of my office manager worked in the section of the Pentagon that had been hit, so we were on the one phone that we had to hospitals, the police, anyone we thought might be able to tell us if he was safe. Thankfully, he was fine. But there were so

many who waited for hours, who called hospitals, to hear from their loved ones. Sometimes the news was a relief and sometimes they waited in vain for good news.

I have to say it was an incredible moment when the Senators who could find each other, wherever they had gone from the Capitol, finally gathered late afternoon in the Capitol Police headquarters to talk to our leaders who had been taken to an undisclosed location. They said, We don't want anyone to come, but we were going to the steps of the Capitol to hold a press conference. We don't want anyone there because we don't know if it is safe, but we want to tell the press that we are going to open for business tomorrow and do the Nation's business, even though there was suspicion that the Capitol had been on the terrorists' list of targets.

Every single one of the Senators—and I think there were 60 to 70 who had made it to the Capitol Police headquarters—did come to the Capitol steps, as did Members of the House of Representatives. After the press conference was held by the leaders, all of the several hundred who had gathered spontaneously broke out singing ''God Bless America.'' That was a time that said this is the strength of our country and we will not be defeated.

As I exit the Senate, I am aware that we are divided as a legislative body and as a country. I do not think we have different goals—not here, and not in America—but we do have different ways of reaching them. Congress suffers a great deal of criticism for partisan acrimony. But while we may disagree politically and air our opposition in this Chamber, it is the conversation behind the scenes that cements and defines our relationships. I will leave the Senate knowing I have worked with men and women of great patriotism, intellect, and heart on both sides of the aisle.

I wish to thank my colleagues, Democrat and Republican, for the many wonderful years working together. We seconded one another at times and engaged in rigorous debate in others. Yet the American people should know that either way, we are collegial and we all understand that our States have different needs and there will be differences in priorities. But in the Senate, an adversary today will be an ally tomorrow. It is a rare occasion for acrimony to turn personal.

It would be my parting hope that this collegiality will not be lost. Protecting the rights of the minority has assured that every Senator's voice is heard and every State represented is heard, as intended by our Constitution. Open debate and open amendments are what differentiate the Senate from the House.

When our committees function, we pass bills in vigorous markups, we put the bills in shape for floor debate. If they don't go through committees and are not allowed floor amendments, the quality of the legislation suffers and mistakes are often made.

Let me give you some examples of how relationships can produce results.

During the anthrax scare, the Hart Building was closed for a month, which made it very difficult, of course, for Senators based there to do their work. So Senator DIANNE FEINSTEIN's staff joined in my offices in the Russell Building. My chief of staff at the time gave them full access. One of Senator FEINSTEIN's staff members commented on that: A Republican office giving Democrats free rein? But my chief of staff said, They had full access because we trusted them.

Senator FEINSTEIN and I have teamed up to pass important legislation—the Hutchison-Feinstein Overseas Basing Commission—that studied the training capabilities and costs of overseas military bases to determine their value compared to American bases. This resulted in consolidation and closures that brought thousands of troops back to the United States where training and rapid deployment were superior. We passed the Feinstein-Hutchison Breast Cancer Research Stamp bill that, through voluntary purchase, has raised $72 million for breast cancer research. That was Senator FEINSTEIN's idea. And Senator FEINSTEIN and I took the Amber Alert for abducted children nationwide, which has accounted for rescuing almost 600 children since its passage.

I remember when Senator Hillary Clinton stopped by with her chief of staff to wish me happy birthday the first year she was in the Senate. It was just a few months after she had arrived, and my staff was surprised—and possibly a bit star-struck—to see the former First Lady walk into the room. We went on to work together on Vital Voices, a global partnership dedicated to supporting and empowering women leaders and social entrepreneurs in emerging economies. We also teamed up with Senators MIKULSKI and COLLINS to assure public schools had the option to offer single-sex schools and classes, after I visited with Secretary of Education Rod Paige the Young Women's Leadership Academy in the Harlem area of New York City—one of the first and most successful pilot projects for girls' public schools, with which I know the Presiding Officer is very familiar.

I remember the time I invited Senator BARBARA MIKULSKI to Texas, because she and I have worked together supporting NASA for so many years, and this year she has been chair and I ranking member of the Appropriations subcommittee funding NASA. We went to visit the Johnson Space Center because I wanted her to see the great work they are doing there. Then I took her to the Houston rodeo because I wanted her to see the Texas culture. Well, I am not sure the Senator who grew up in the inner city of Baltimore knew exactly how people would dress at the rodeo, but suffice it to say there were a lot of rhinestones and cowboy boots and big hair and big hats. Senator MIKULSKI whispered to me during this time, KAY, if we were here Monday and we went to the Chamber of Commerce, would these people look like this? And I said, Yeah, pretty much.

Senator MIKULSKI and I also teamed up to pass the Homemaker IRA, to make sure our stay-at-home moms and dads would have the same opportunity for retirement security savings that those who work outside the home have, and it has been a huge success. We also cosponsored the National Breast and Cervical Cancer Early Detection Program. She is a skilled legislator and a dear friend.

Senator JAY ROCKEFELLER has been an outstanding chairman of the Commerce Committee. We don't always agree, but as the lead Democrat and Republican we have worked hard to reach consensus, and we have gotten things done—the FAA bill, started the planning for the next generation of air traffic control systems; the highway bill; the NASA reauthorization that ensured we would keep the focus on our space program that has been instrumental in our national security and economic development, with tremendous help from Senator BILL NELSON, who is the only one among us today who has actually been into space.

In a Congress that has been marked by little progress, we have found a way forward. For some, that might not be something to take pride in. But we have served the American people by passing legislation that keeps the country running, and I am very proud of what we have been able to accomplish. Our Commerce Committee has been one of the most productive in the whole Congress. And I count him as a friend.

MARIA CANTWELL and HARRY REID and I have worked to address the issues of our State's taxpayers to have the same deductions as those who have income taxes, though we do not, and that parity has been so important.

Leader MITCH MCCONNELL has guided our party and our conference through the past 6 years. He is a gifted leader and one whom I have witnessed time and time again come up with strategies that have gotten things done in the right way.

Senator JON KYL and I have worked on immigration and death tax relief. Senator LAMAR ALEXANDER and I have championed the America Competes Act, so we would continue the priority of scientific research and that we would never fail to invest in research because it is the sequel for our economy.

I am very pleased the distinguished ranking member of the Judiciary Committee and the Finance Committee—Finance Committee now and Judiciary before—is also on the Senate floor. He has been a wonderful friend to me, helping me in my very first election when he was the rock star at my fundraisers in Texas. I thank Senator ORRIN HATCH for his long membership in this body.

I have had the wonderful, good fortune to serve with two colleagues from my home State. First, Senator Phil Gramm, who was a wonderful mentor and colleague. They broke the mold after Senator Gramm. We always enjoyed our school rivalry—he being a Texas Aggie and me being a University of Texas alum—they like to call them hopeless Tea-sips, but we are proud Longhorns.

I have had a great relationship with my other Senator, who is soon going to be the senior Senator from Texas, JOHN CORNYN. JOHN CORNYN, I am very pleased to say, is going to get the opportunity that I have had all these years when people trip up and introduce me as the senior citizen of Texas. I turn that mantle over to my colleague, Senator CORNYN.

I am very proud he is going to be the deputy Republican leader in the next Congress. I know he is going to be a steady hand at the wheel as we try to steer the ship of state in the right direction. He has proven time and again that his steady leadership is the one that rises to the top. I thank him for being on the floor as well today.

In fact, I want to praise our entire Texas congressional delegation. We call it Team Texas. It is a spirit that holds our delegation together, Republicans and Democrats. I have noted that there are those in Washington who think Texans are a little too loud, and we have a little too much fun, but I can assure everyone that Team Texas' hearts are as big as our mouths.

It has been a long and wonderful 19-plus years. We hit the ground running, and we have never stopped. When I was first elected in a special election in 1993, we had two—actually four full planeloads of people flying up for my swearing in. Because it was a special election, we filled the entire gallery. Those rowdy Texans were so happy to watch my little swearing in ceremony. It was a great day for me, as well as my wonderful and loyal friends and supporters.

I started having weekly constituent coffees that first year because there were so many visitors from Texas and I wanted to make sure at least there was one time every week that any Texan who was here who wanted to see me could come and visit and was welcome. So every Thursday morning around 9 or 9:30, the person in charge of this first effort was the wife of a three-star general who volunteered her time in our offices. I think it was as much her handling of the event as the idea itself that has led many other Senators to take up this practice and get a chance to always visit with their constituents at least once a week if they were otherwise going to committee meetings or having to do their work and were not able to see everyone. I want to thank Gert Clark for putting her stamp on our Senate hospitality.

Some of the most powerful moments that will stay with me forever were spent with our members of the military. Visiting with them where they are in harm's way across the world is one of the most moving of all experiences. I will never forget the first time, in the early 1990s, flying into Sarajevo in an undercover C–130 that was disguised as a Red Cross delivery of peas—2,000 pounds of peas that we actually had on the C–130—and I have to say my good friend, Danny Inouye, was on that trip with us, as I look over at his empty desk with the white flowers, as was Senator Ted Stevens. We flew in to see our troops in Bosnia.

Later I went back to Bosnia to spend Easter with our troops where we had the most beautiful Easter sunrise service I have ever attended or ever will. It was in an open-air hangar with our service men and women who were deployed there. For the first time it was a Texas Guard unit that was in command of the base, and it was the first time since the Korean war that we had a Guard unit in command of an operation overseas. They did a great job, which led to many Guard units from other States also to take command of bases and operations.

I flew out of Baghdad—this was in the last few years—in another C–130 when there were no lights on the plane and no lights on the runway to make sure there was no clue to the enemy that we were leaving when they were firing missiles around the airport. Or the times I had visited Afghanistan, where the first time I visited with Senator MCCAIN, our troops were sleeping on cots. There were probably 600 or 700 cots in an old Russian-built aircraft hangar, before anything had been brought in for living quarters for our troops. All of their belongings were under their cots, and that was all they had for that first mission into Afghanistan.

I have always been one who has such great respect and gratitude for our men and women in uniform. They put their lives on the line and pledge to give their all for our freedom. The power to wage war is an enormous one, and the weight of its responsibility should rest heavy on our shoulders.

I leave this Chamber proud to have worked to assure our men and women in uniform have the best training, the best equipment, and the quality of life to do the job we are asking them to do. Because of my deep respect for our Armed Forces, my first choice of committees when I came in 1993 was Armed Services, and I was honored to be the first woman in 20 years to chair a subcommittee on Armed Services. The woman before me was Margaret Chase Smith. As the only woman to chair the Senate Republican Policy Committee, I was pleased to be a part of Republican leadership for many years—again, the first since Margaret Chase Smith.

When I was first running for office I said I wanted to make things better for our sons and open for our daughters. I leave the Senate knowing that January will see the greatest number of female Senators in our Nation's history. I know the torch will be carried on by the next generation.

It is no secret that Texans have a particular sense of state pride. I am no exception. I have deep Texas roots. The Senate seat that I hold first belonged to Thomas Jefferson Rusk, my great-great-grandfather's law partner and good friend. They both signed the Texas Declaration of Independence from Mexico in 1836. That history reminds me every day that we must protect the freedom that so many of our ancestors fought to produce and retain. My colleague sitting on the Senate floor is in the Sam Houston line, and that is a proud line too. Thomas Jefferson Rusk and Sam Houston were the Commander in Chief and Secretary of War of the Texas Army when we fought for independence. It is so fitting that those two were our first two selected Senators when Texas became a State in 1845.

Each summer I take a week to tour one part of Texas on a bus. It has been so much fun. We did the first one, which was the El Camino Real de los Tejas that we had just passed a bill to designate as a national historic trail, and we went from the Louisiana border to the Mexican border. It took us a week on the bus. It was so great that we have done it every year since in a different part of Texas. It is my State staff's favorite week of the year as well.

I am one of the few to have had the opportunity and the absolute pleasure to visit all 254 counties in Texas. I have met Texans from all walks of life who have opened their homes, their businesses, and shared their stories.

I will be sad to leave, but it is time. I believe strongly that we should keep the lifeblood of Congress pumping. It is good to have new waves of legislators come in with fresh ideas and perspectives after every election. But while I believe that new generations should invigorate Congress, I also want to say a few words of praise for experience.

Knowing the history of an issue is essential to monitor progress. Knowing what an agency should be doing, knowing what was put in law and why allows for better oversight. The expertise of our longer serving Members is an essential part of good governance.

I hope some of the priorities I have championed will continue. Investment in science, technology, and higher education and encouraging more young people to study science, technology, engineering, and math, known as STEM, will make sure we are bringing forward those young minds with the creativity and the engineering background to create the economies for the future. It is so important. This has been the lifeblood of our economy, and it must continue.

Saving the manned space exploration program and ensuring the long-term future of NASA is an essential generator for our economy. Ensuring that stay-at-home moms and dads who worked so hard raising children and

contributing to the community have spousal IRAs to save for retirement, and easing the marriage penalty by doubling the standard deduction—these are a few of the things I hope will continue to be championed as I leave.

It has been such an honor to serve in the Senate. I leave with the hope that the values that built America into the greatest Nation on Earth will be protected so that future generations will have the same opportunities we have had in this great country, opportunities for which our forebears sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Madam President, Texans have a profound sense of history, and it is only appropriate that Senator HUTCHISON should mention the fact that we both come from long lines of Texans, starting with Thomas Jefferson Rusk, who first held her Senate seat, and Sam Houston, who held the Senate seat I hold. I will never forget Senator HUTCHISON coming to the floor of the Senate every March 2, Texas Independence Day, and regaling the Chamber with Travis' letter from the Alamo, reminding everyone about another important event in Texas history, a tradition which she carried on after Senator John Tower did for so many years when he served here.

This is a historic moment for many reasons. First, because we are paying tribute to an extraordinary woman who has made history by being the first Texas female United States Senator and someone who has spent the last two decades fighting for commonsense values in our Nation's Capitol. While it is hard to summarize Senator HUTCHINSON's great work in just a few short minutes, I am going to try. I am going to try to highlight some of her signature achievements and explain why she enjoys such outstanding support from her constituents back in our great State.

To start with, I cannot think of any Senator serving in this Chamber who works harder than KAY BAILEY HUTCHISON. Sometimes I affectionately refer to her as the Energizer Bunny of the Texas delegation. She is tireless and she is relentless in her pursuit of what she believes is in the best interests of the constituents in our State.

As she mentioned, she has been a tireless advocate for Texas military families. We take great pride in the fact that 1 out of every 10 individuals who wears the uniform of the U.S. military calls Texas home. Of course, some of the most powerful tributes to KAY's legacy are what I have heard from our men and women in uniform.

It is no exaggeration to say every military base in Texas has felt the impact of her work on various Senate committees. I know how deeply proud KAY is of the work she has done to help the troops stationed in Texas from Fort Bliss in the west to the Red River Army Depot in the east—which I dare say she pretty much singlehandedly saved from being BRACed the last time that occurred—from Sheppard Air Force Base in Wichita Falls to the Naval Air Force Base in Corpus Christi in the south. Not only has KAY worked to provide our troops with the resources they need, she has done a whole lot to help returning veterans and, of course, their families.

We always talk about supporting our troops when they are deployed overseas, but we spend less time—indeed not enough time—discussing ways to help them assimilate back into civilian life. As the son of a U.S. Air Force veteran who spent 31 years in the Air Force, I am acutely aware, as KAY is, it is not just those who wear the uniform who serve but their families as well.

Many returning vets and their families encounter a whole range of social and economic hardships that can be hard to overcome. Most notably, the unemployment rate among our returning vets from Afghanistan and Iraq is significantly higher than for the general population, something I know KAY has worked on extensively. She has also worked to get our veterans the medical assistance, the job training, and the financial support they need. Indeed, I don't know of any Senator who has done more to help America's heroes adjust to life after the military. That is just one of the reasons why she will be sorely missed.

Here is another reason KAY will be missed. She has fought time and time again to promote tax relief for hardworking Texas families. In the mid-1990s, as she alluded, she helped to create the so-called homemaker IRA to make sure stay-at-home moms and dads were able to save for their retirement on an equal basis with their counterparts who worked outside the home. I know it is one of her proudest achievements, and I am proud to join with the Senator from Maryland, Ms. BARBARA MIKULSKI, in attempting to rename this IRA the KAY BAILEY HUTCHISON spousal IRA in her honor. I hope we can join together and honor Senator HUTCHISON by getting that done before we close out our business this year.

KAY, of course, has always championed the State sales tax deduction, which may not seem like a big deal to others in this Chamber, but it is a big deal back home in Texas as a matter of fundamental fairness because we don't have a State income tax. I daresay we never will have a State income tax as long as I draw a breath. However, we do pay State sales taxes, and it is only fair that Texas enjoys the same sort of deductibility for the State sales tax that other States have enjoyed for the State income taxes.

KAY has also worked to reduce the marriage penalty tax. She has been a strong defender of taxpayer interests, and her efforts have made the Tax Code less hostile to saving and to families.

She alluded to her great work with NASA. She is one of the Senate's leading supporters of NASA and human space flight. NASA has contributed historical technological breakthroughs that have benefited all Americans. KAY appreciates the vital importance of basic scientific research, long-term American prosperity, and she appreciates the role NASA has played in fostering innovation. She has long said and advocated for support for NASA because she believes that when we support NASA, we are supporting technologies and the jobs of the future. That is why KAY has done so much to help the Johnson Space Center and our universities to promote Texas as a research State.

Her beloved University of Texas is grateful for her support over the years, which is one reason they will soon launch the KAY BAILEY HUTCHISON Center for Latin American law.

KAY has also crafted legislation that has benefited some of the most vulnerable Americans. Her work on behalf of missing and exploited children includes the national AMBER Alert Network, which she introduced back in 2003. As she said earlier, this law has helped to rescue more than 570 abducted children who would not have benefited but for her work. That is a remarkable achievement, and it is more than just a number when we count the human lives which have been so dramatically affected by her work.

A final note. As I said, Senator HUTCHISON has made history serving as a first woman to serve the great State of Texas in the Senate. KAY has always been a pioneer of sorts. As a father of two daughters, that means a lot to me. I am used to being surrounded at home by strong, intelligent women, but having served with KAY, I have also been a partner with a strong, intelligent Texas woman. KAY has been a role model for so many young women, not just in Texas but throughout the United States. I am honored to be her colleague and I am proud to be her friend.

Senator KAY BAILEY HUTCHISON leaves behind a tremendous legacy of which she, Ray, and her children can be proud. She has a legacy that will long be celebrated by Texans from El Paso to Caddo Lake and from Amarillo to Brownsville. Everyone in this Chamber will miss her, and I know I speak for all my colleagues when I wish her the very best in the next exciting chapter of her life.

I join with my colleagues in saying to the Senator, vaya con dios.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to join everyone here in thanking KAY for her great service in the Senate. I have worked closely with her on a wide variety of issues. I have to say she is a fierce advocate. In fact, I have to say all our women Senators have been fierce advocates, and we have benefited from them being here.

KAY has paved the way for Senators—both male and female—to truly become

better Senators and in many cases great Senators. KAY BAILEY HUTCHISON is a great Senator. She worked her guts out the whole time she was here. She is still here, but she is going to retire at this time and she has represented Texas well.

All I can say is she has been my friend all this time. When I needed help from her, she was always there. I tried to be there for her when she needed help as well. She has not only been a delightful person to be around but a very intelligent lawyer. She fought for what she believed—most of which I believed in—in a way nobody could truly ever get mad at KAY BAILEY HUTCHISON.

She is a wonderful person, wonderful mother, and we are going to miss her terribly. This is a body where we could use a few more women Senators—maybe a lot more than a few. They are very good people who work very hard and not the least of whom is KAY BAILEY HUTCHISON.

I remember at times when I had difficulties with the BRAC system and difficulties with special NASA problems, and so forth, we always worked together. We could always count on her to come up with intelligent solutions to some of the problems that should not have existed but did.

I have personally appreciated her very much during those times and in so many other ways as we worked together on legislation to help this country and as we worked to represent our respective States. I have so much respect for Texas, the people of Texas, and what they stand for. I have great respect for these Texan Senators who are two of the best we have ever had in the Senate.

Senator HUTCHISON has been an exemplary Senator, not just for women but for all of us. She has also set some standards that I think both women and male Senators are going to have to try to emulate.

I just want say to the Senator that we love her, we appreciate her, and we wish her the very best. We are going to miss her. This is one Senator who will miss her greatly, and I want her to know that. All I can say is God be with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased in joining my colleagues in commending and congratulating our distinguished colleague from Texas. Her service in the Senate has truly been outstanding and she has made an impact in our Committee on Appropriations. We have deliberated about the funding of all the Federal agencies and departments of the Federal Government. She has been very careful. She is very serious about her responsibilities, and I am glad to be here today to wish her well in the years ahead and compliment her on a very distinguished career in the Senate.

Mr. LEVIN. Mr. President, Michigan and Texas have much in common, despite the fact they are North vs. South, cowboy boots vs. snowshoes, mesquite vs. pine.

One of the things we have in common is water. Our States are, economically, historically, and culturally tied to great waters: Texas to the Gulf of Mexico, Michigan to the Great Lakes. And this shared interest has afforded me the pleasure of working alongside Senator KAY BAILEY HUTCHISON, a true Texas pioneer.

As the lead cosponsor of the Harbor Maintenance Act, Senator HUTCHISON has been an invaluable ally in the effort to ensure that America's harbors receive the maintenance funding they need to help our economy grow. Her efforts were instrumental in recruiting 37 cosponsors on our bill and in securing language regarding harbor maintenance for the first time in a transportation bill. Her efforts have made a significant difference in the lives of the thousands of American workers whose jobs are directly tied to well-maintained harbors, from the Port of Galveston to the scores of ports dotting Michigan's shoreline.

Senator HUTCHISON has shown important leadership on other transportation issues, such as a more equitable formula for Federal surface transportation funding, and for adequate funding for State maritime academies, including academies in Texas and Michigan, that help meet the needs of our commercial shipping industry as well as the Department of Defense.

She has been an able and dedicated advocate for our Nation's veterans. She pioneered the concept of the homemaker IRA, which helped millions of American women achieve greater retirement security. She has energetically pushed for stronger science and educational programs, including the establishment of a groundbreaking medicine, engineering, and science academy in her State.

We shouldn't be surprised at these and other successes. When she first graduated from the University of Texas Law School, she bumped up against the misguided tendencies of the law firms at the time to dismiss female candidates, no matter how talented. Undaunted, she walked into a local TV station and asked for a job as a reporter and became the State's first female television reporter. She took a detour, but her experience covering politics led to the Texas House of Representatives, the State treasurer's office, and eventually to become the first Texan woman elected to the U.S. Senate.

The Senate will miss her dedication, her quite effectiveness, her ability to seek practical, bipartisan solutions. She has made a habit of making history, and I wish her the best in whatever history-making endeavors she turns to next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise also to congratulate and thank a terrific Senator, KAY BAILEY HUTCHISON, and to wish her much success in her further efforts. I know she will provide great leadership in whatever she is doing. It has been wonderful to watch over the years, seeing the pictures of Bailey and Houston and how they have grown, celebrating and going to baby showers. On top of all the other accolades today, Senator HUTCHISON is a devoted and wonderful mother to two beautiful children.

As everyone has said, she is the first and only woman to represent Texas in the Senate and will always have that distinction of opening doors and barriers. I know she agrees with me that once the doors open, we want to make sure more women are able to walk through that door as well.

I wish to congratulate her for all she has done. We have come together to fight for opportunities for women around the world at the Senate Women's Caucus on Burma and other efforts she has led. I am very supportive of adding her name to the spousal IRA law. I think that is a very fitting tribute, and I am hopeful we can get that done as well.

I just want to congratulate her.

I do want to have the opportunity to talk about something else, but I see my friend wanting to say a few words.

Mrs. HUTCHISON. Mr. President, if the Senator would yield for just a moment to let me say thank you to all the wonderful Senators who have spoken and said nice things. It is one of the few times Senators sort of pause and wish someone well, as they are leaving. It has truly been very touching, and I appreciate the kind words of the Senator from Michigan. It has been a distinct pleasure to have colleagues on both sides of the aisle feel we have done so much together. My hope is that as I am going out the door, the collegiality of the Senate will never change.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

THE FARM BILL

Ms. STABENOW. Mr. President, I also wish to speak about the importance of passing a farm bill today and thank the Senator from Texas for her support as we passed a strong bipartisan farm bill in the Senate back in June when sent it over it the House of Representatives.

We have had 80 days since the farm bill expired. That is 80 days that farm families and small businesses have been holding their breath and wanting to know what is going to happen in rural America and agriculture across the country. I have not given up, nor have other colleagues here. Certainly, my partner here in the Senate, Senator ROBERTS, and our partners in the House, including Chairman LUCAS and

Ranking Member PETERSON, all stand ready if we can get a positive signal from the House Republican leadership to get this done. There is no doubt in my mind that we can do it. For everyone listening, the issue is not differences in the commodity title, which I have every confidence we can come together on and work out; the question is, as we are seeing efforts being worked on for a larger deficit reduction package, whether the House leadership will think rural America and agriculture are important enough to include. That is the question. It is whether the savings we have achieved in deficit reduction by eliminating unwarranted taxpayer subsidies and creating other efficiencies and tackling waste, fraud, and abuse, whether that is worthy of a priority in the effort that is being worked on. We have continued to point out the fact that the 16 million people across America who work because of agriculture deserve to be a priority.

I thank our leadership and the leadership across the aisle for making it a priority of this Senate back in June. I thank my colleagues on the committee in the House for making it a priority and for passing a bipartisan bill in July. For the life of me—I am appalled continually that the Republican leadership of the U.S. House of Representatives does not consider the security and the livelihood of 16 million people who live in rural America across this country to be a priority.

We are including a final list of things that need to get done. We are not giving up. We are coming back next week, and we are going to be here, and we are ready at any moment to be able to do what we need to do.

Across this aisle, colleagues have worked in good faith in the Senate, and I am very grateful. I appreciate the support of the Presiding Officer in urging that we get this done. We have colleagues on both sides of the aisle who have come together to make tough decisions. We are willing to make some more, but we are not willing to give up on 16 million people who live in rural communities—small towns such as where I grew up in Claire, MI—who are counting on us to do the right thing and to give them the ability to plan, the ability to get help for the disasters they have seen, and the ability to know they can move forward and care for their families.

We have a disaster bill right now on the floor. As chair of the Agriculture Committee, there is no way I am going to allow a disaster amendment without being able to offer an amendment that relates to agriculture disaster which we have fully paid for in the farm bill.

So we are willing to do two tracks here if we come together, which I hope we will, on a disaster package. Certainly, people in rural America—farmers, ranchers across this country—have felt the disasters other communities have felt. So I am proud to join with Senator MERKLEY and Senator MCCASKILL and others in putting forward the portions of the farm bill that deal with disaster relief as part of this package which is now moving forward. I hope we will have an opportunity to vote and come together on that, which is so important. That does not negate the need to get a farm bill done or our desire to do that or the fact that we are laser-focused until the last moment we have available on getting it done.

Let me remind my colleagues that farming is the riskiest business in the world. There are a lot of risky things we can do. There are a lot of disasters that have happened.

I was pleased to have the opportunity to join with our colleague from New Jersey, Senator MENENDEZ, last week to visit some of the coastline in New Jersey and to be a part of a group that looked at the devastation there. And there is no question, it is up to our country at times such as these, when people are wiped out, their homes are wiped out, it is our responsibility to come together and to act on behalf of citizens in those States. I strongly support doing that. It is also our responsibility to acknowledge and recognize and help others around the country who have similar disasters.

As I said before, there is no business that is riskier than farming. Thank goodness we have people who are willing to stay in farming and ranching regardless of what happens with the weather. Thank goodness we have a strong crop insurance system in place, and we strengthened that even more, which is incredibly important, in this farm bill. But we have had disasters happen that need to be addressed for those who farm for us.

In the spring we experienced late freezes in Michigan and in New York and in Pennsylvania that wiped out food crops. A lot of small family farms, farms in northern Michigan, were wiped out. In my home State, late freezes and a spring frost caused them to lose practically their entire crop right off the bat. It warmed up, the buds came out, and then they had a deep freeze that killed everything. Our growers produce 75 percent of the U.S. supply of cherries. That is around 270 million pounds. The cherry producers experienced a 98-percent loss.

In our amendment in the disaster bill and in the farm bill, we give them some help because they spent the rest of the crop year this year having to pay to maintain the orchards and the trees, eating the costs and hoping the trees will bounce back next year and produce a crop. So they have all the costs of maintaining everything but no revenue coming in.

Cherry producers were also forced to fight spreading diseases such as cherry leaf spot and bacterial canker, making the trees even more costly to maintain and at risk of loss. They didn't just lose their crop this year; they had to invest a lot of money to save their orchards without having any dollars coming in. We give them some help. It doesn't cover all the losses but some help to be able to stay in business. We do that through the farm bill.

Apple producers in most areas of Michigan and in New York and in Pennsylvania had about a 40-percent production, so they lost 60 percent. Think about a business losing 60 percent of its income for a year or, in the case of cherries, 98 percent. We have things in place to support them when that happens. That is why we have disaster assistance, and that is why we have other things as well. We have something called the farm bill when things like this happen in agriculture or disaster assistance for agriculture, as we are proposing assistance for.

Also, in the summer we saw record-breaking drought, as we know. We heard story after story about families whose crops were left withering in the fields, entire corn crops devastated in Iowa, and wildfires in Colorado killing 2 people and forcing residents to evacuate over 34,000 homes. Drought and wildfires cost the State of Oklahoma more than $400 million this year alone according to a report that has just been produced by Oklahoma State University. That includes crops and livestock, property loss from wildfires, and emergency costs.

I have heard so many times from my friend, the distinguished ranking member from Kansas, about what has happened in Kansas. We had the opportunity to be there and to hear from people directly in Kansas. My staff has walked in the field and seen that there is nothing there because of the drought and what it means.

This year represented the worst drought since 1956. That is a disaster. At the height of the drought this summer, over 80 percent of the contiguous United States experienced drought conditions—80 percent. We still have 11 States with exceptional drought conditions and 17 States with severe drought conditions. Seventeen States across the country, in the Northeast, the Midwest, the South, the Great Plains, the Southwest, and on the west coast—every region except the Pacific Northwest has suffered from long-term drought.

Sixty percent of the farms in the United States experienced drought this year, and we saw severe droughts in 57 percent of farmland acres. By the end of this last October, over half of the pastures and ranges in the United States were rated poor to very poor. And 1,692 counties in the country, spread across 36 States, were declared a primary disaster area because of the drought.

By the way, there are a whole lot of issues around weather that we need to be talking about and dealing with, and we need to be doing that in the new year.

So this is what is happening for farmers and ranchers. On May 20 only 3 percent of our corn crop was rated poor or very poor, but by the end of September over 50 percent was rated poor or very

poor. Our cattle inventories were at a 60-year low as farmers and ranchers have had to sell off their breeding stock because they don't have the hay or grazing land to feed them. Low water levels in the Mississippi are affecting grain shipments, threatening to affect shipments early next year as farmers try to plant their crops. We have seen reports that grain is piling up in elevators while farmers try to figure out alternative routes of shipping their products to market.

Hurricane Isaac left hundreds of thousands of acres underwater. Hurricane Isaac caused destruction like nothing we could have imagined. As I said, I saw the damage up close from Hurricane Sandy. Weather disasters have destroyed millions of acres of farmland and affected millions of families in every State and corner of this country.

We are considering a disaster bill today. Well, the farm bill is a disaster bill because it not only has disaster assistance but it creates 5-year certainty for our growers, who deserve it. They deserve to know what is going to be happening. They deserve to know so they can go to the banker and talk about their financing for the coming crop year and be able to plan as well as get immediate help.

I support passing a disaster bill, and agriculture should be a part of this, but it is not enough. We need to do that, and we need to have a 5-year farm bill in order to create the certainty we need.

We have spent so much time focusing on how we move forward with agriculture today and create the right kind of risk management tools for the future. I am very proud of what we have been able to do.

We—the members of the Agriculture Committees—have also been, frankly, the only committee to step up voluntarily and say: We will put money on the table for deficit reduction. We did it during deficit reduction talks. We have done it in the House and the Senate as we have written the farm bills. We are willing to be a part of the solution. We are part of the solution.

One of the things I find very frustrating is that if, in fact, it doesn't get done this year, those who don't want reform, those who want government payments even in good times may very well get another year of government payments that we can't afford and taxpayers should not be paying for. So this really is about reform.

I hear colleagues talking on the other side of the aisle all the time about the things we shouldn't be doing and the things we shouldn't be paying for. Well, I would encourage them to join us in the fight to get a farm bill done to stop an area where we have all agreed we should not be providing government payments in the area of direct payments. I know there are those in the House who want to keep that going as long as possible, but it is not right in an era when we have to make tough choices for families and every other part of the budget to allow that to happen.

We passed a reform bill. We tackled fraud and abuse in nutrition. We consolidated conservation and saved money. We tackled payments that have been given out for years that don't make sense and that the government can't afford. We listened to farmers to strengthen risk management tools, predominantly crop insurance. With all the weather disasters I have described this year, if we can strengthen crop insurance, we are going to give them a better safety net going forward for whatever comes in the coming year.

So there is a lot on the line. There is a lot on the line for 16 million people who have jobs because of agriculture and the food industry. There is a lot on the line for people who go to the grocery store and eat and want to know food prices are not going to go up, that milk prices are not going to go up. There is a lot on the line for people who just want us to come together and work together. In light of everything going on, we did that kind of a farm bill. They did that in the House in committee.

All the Speaker and the leadership have to do is say: We care about rural America. We care about 16 million people who work every day, who are folks who do their jobs, and when the job has to get done, whether it is early in the morning or late at night, they do it, and they expect us to do the same thing.

There is no excuse—none—that makes any sense not to get a 5-year farm bill done, not to make sure we have the disaster assistance that is needed for farmers and ranchers, and not to get reforms that cut back on taxpayer subsidies we should not be providing, and the deficit reduction that is critically important as we come up to this fiscal cliff.

I wish to thank everyone in this body for working with us to get a bill done of which I think we should all be very proud. We are going to continue to push as we go forward, hoping that at some moment the House Republican leadership will look around at the small towns in their districts and decide they matter and that they will pass a 5-year farm bill.

Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

CHAINED CPI

Mr. SANDERS. Mr. President, as we continue to debate how to prevent this so-called fiscal cliff and how to go forward in deficit reduction, my Republican friends, apparently, want the American people to believe that making the wealthiest people in this country pay a few dollars more in taxes would amount to some kind of terrible sacrifice, and they are vigorous and unanimous in opposing the President's initial proposal to do away with all of Bush's tax breaks for people making $250,000 a year or more. I guess their new proposal coming out of the House is that only people making $1 million a year or more would see their tax rates go up.

Let me say a word about hardship and a word about sacrifice and it is not about the problems of millionaires and billionaires who are doing phenomenally well and who are being asked to pay a few dollars more to help us deal with deficit reduction, at a time when their tax rates are at a historically low rate. Let me tell you about sacrifice, and let me tell you about on whom we should not be balancing the budget.

This morning, in the Veterans' Affairs Committee, I held a press conference, which included every major veterans organization in this country, representing millions and millions of veterans, people who have put their lives on the line to defend our country and many of whom have suffered as a result.

The organizations that were there with me to say no to the so-called chained CPI—which would cut benefits for disabled veterans, which would cut benefits for widows and kids who lost their husband or their father in Iraq or Afghanistan and would see a chained CPI cut back on their limited benefits—we had at this press conference the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the Paralyzed Veterans of America, the Blinded Veterans Association, the Wounded Warrior Project, the Military Order of the Purple Heart, the National Military Family Association, the Vietnam Veterans of America, the National Guard Association, the National Association of Uniform Services, the Jewish War Veterans, the Military Officers Association of America, AMVETS, the Association of the United States Army, the Commissioned Officers Association of the U.S. Public Health Service, the Naval Enlisted Reserve Association, the United Spinal Association, VetsFirst.

What all of them said—and some of them made this statement far more poignantly than I can—is when we talk about sacrifice, they are there; they have already done it. Some of them have come back from our wars without arms or legs or maybe they have lost their eyesight. They have sacrificed, and it is morally absurd to be equating on one hand the sacrifice of a multimillionaire, asking him to pay a few dollars more in taxes, with asking people who have lost their limbs defending this country to make a sacrifice. That is not equivalent sacrifice.

Let me talk about this so-called chained CPI. I know there are some folks out there—and I think we have had Wall Street CEOs worth hundreds of millions of dollars, who were bailed out by the taxpayers of this country, who have the most extravagant retirement benefits imaginable—they have come to Washington, DC, to tell Congress we should cut Social Security

benefits for disabled veterans, raise taxes on low-income workers.

Let me tell you what this—what some call a tweak—would do. In terms of the chained CPI, more than 3.2 million disabled veterans receive disability compensation from the Veterans' Administration—3.2 million veterans. They would see a reduction—a significant reduction—in their benefits. Under the chained CPI, a disabled veteran who started receiving VA disability benefits at age 30 would have their benefits cut by more than $1,400 at age 45, $2,300 at age 55, and $3,200 at age 65.

Does anybody in their right mind think the American people want to see benefits cut for men and women who sacrificed, who lost limbs defending their country? Are we going to balance the budget on their backs?

I challenge anyone who supports a chained CPI to go to Walter Reed hospital, visit with the men and women who have lost their legs, lost their arms, lost their eyesight as a result of their service in Afghanistan or Iraq. Come Veterans Day and come Memorial Day, all the politicians go out and give speeches of how much we love our veterans. It is great to give a good speech on Memorial Day or Veterans Day but what about standing up for them now?

I know the Wall Street CEOs and the big money lobbyists are descending on Washington trying to protect the wealthy and the powerful. But maybe now is the time—not just Veterans Day, not just Memorial Day—that we stand with veterans, we stand with disabled veterans. They have sacrificed, and I think it is unseemly, I think it is immoral to be balancing the budget on their backs.

We have also made a commitment to the surviving spouses and children who have lost a loved one in battle by providing them with Dependency Indemnity Compensation benefits that average less than $17,000 a year. Do my colleagues truly think we should be cutting benefits for surviving spouses who lost their husband in Iraq or Afghanistan?

Further, we have made a promise to every American; that is, that above and beyond benefits for disabled vets, what we have said is a couple things: For those who are older, we have said Social Security will be there for them in their old age, in their time of need or if they become disabled, and we have said those benefits will also keep up with inflation.

Today, over 9 million veterans receive Social Security benefits as part of the tens of millions of Americans who receive Social Security, and more than 770,000 veterans receive Social Security disability benefits.

We are talking now about the ''Greatest generation,'' the people who saved this country in World War II. I just met last week—and it chokes me up every time I meet these guys—a fellow from Winooski, VT, who was in the Battle of the Bulge, that hugely important battle at the end of World War II to stop the Nazi advance. He was also at Normandy.

Do you truly want to balance the budget on his back?

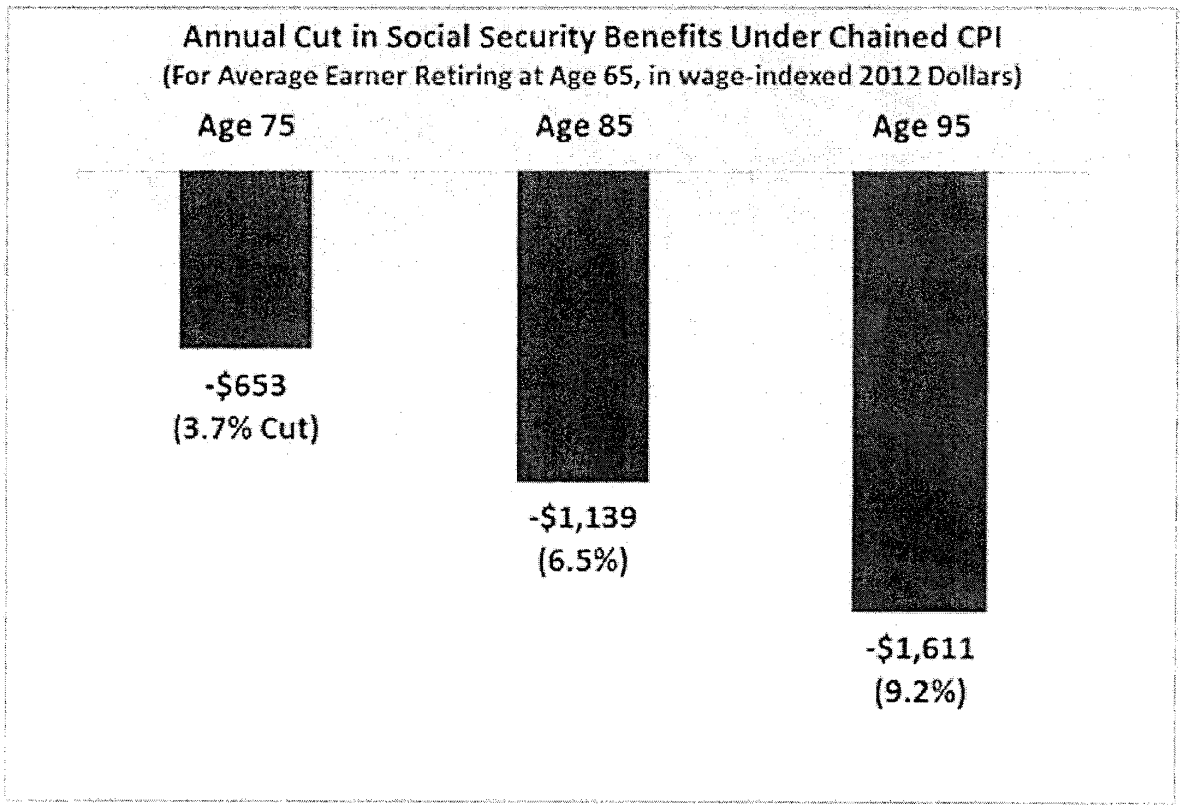
We are talking about the brave men and women who served in Korea, Vietnam, and other conflicts as well.

Let us be clear what this chained CPI would do because I think there are some people—I guess if someone is a Wall Street CEO guy and is making millions of dollars a year and has a great retirement package, when we are talking about hundreds of dollars a year, that is what they use for lunch. They do not have to worry about keeping their house warm or buying food. That is not within their world view.

Under the chained CPI—we should all understand this is no small tweak; this is not some administrative issue—under the chained CPI, average seniors who retire at age 65 would see their Social Security benefits cut by about $650 a year when they reach age 75. Again, I understand if someone is a Wall Street CEO, if one is a millionaire, hey, $650 a year is not a lot of money. But let me tell you, if you are a senior citizen living in Vermont or Minnesota and you have to worry about heating your home, you have to worry about putting gas in your car, you have to worry about prescription drugs, $650 a year is a lot of money, if you are living on $15-, $16-, $18,000 a year of income, most of that coming from Social Security. So if you retire at age 65, it is about a $650 cut when you reach age 75, and it is more than $1,000 a year when you turn 85.

I ask unanimous consent to have printed in the RECORD a chart which talks about annual cuts in Social Security benefits under the chained CPI.

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



Mr. SANDERS. What the chart shows is that at age 75 the cut would be $653, a 3.7-percent cut; at age 85 it would be $1,139, a 6.5-percent cut; and at age 95, it would be $1,1611, a 9.2-percent cut.

The rich are getting richer. We have growing wealth and income inequality in America. The wealthiest people in this country are paying the lowest effective tax rate in decades. We are going to balance the budget on the backs of seniors trying to get by on $15,000, $18,000 a year? Is that what this Congress stands for? I certainly hope not.

The fact of the matter is, the current formula for calculating COLAs is not too generous. And whenever I speak in Vermont, I say to seniors—and I speak to them quite often—there are some folks in Washington who think that your COLA—the formulation and how we reach a COLA for you—is too generous. Do you know what happens. They laugh. They invariably break out in laughter because they know that in the last 3 years, two out of those years they got zero COLA. They know this year they are going to get a 1.7-percent

COLA, which is one of the lowest COLA increases ever.

They also know the current formulation for a COLA does not fully take into account the escalating costs of prescription drugs and health care, which is where most seniors spend their money. They are not spending their money on flat-screen TVs or iPhones or iPads. They are spending their money heating their homes, buying food, paying for prescription drugs, and paying for health care. These costs are going up much faster than general inflation. I think what most economists would tell you is that the current formulation for determining COLAs with Social Security is inadequate, too low, rather than, as the advocates of the chained CPI would suggest, that they are too high.

Furthermore—this has not been widely discussed—moving to a chained CPI would also result in an across-the-board tax increase of more than $60 billion over the next 10 years that will disproportionately hurt low-income and middle-income families the most. In fact, two-thirds of the tax increase under a chained CPI would impact Americans earning less than $100,000 a year, and many would be impacted by losing the earned income tax credit and the childcare tax credit.

Maybe I am missing something, but I thought I heard from the White House and here on the floor of the Senate that we are not going to raise taxes for people earning less than $250,000 a year. Maybe I am wrong. But I thought I heard that many times. Well, if you vote for the chained CPI, in fact you are raising taxes on a whole lot of people, including low-income working families. Under the chained CPI, low-income workers would see their taxes go up by 14½ percent, mainly by cutting the earned income tax credit and the refundable childcare tax credit. So if we are going to keep faith with what we have said here, I say to my Democratic and Republican friends: No tax increases for workers making less than $250,000 a year. We better reject this chained CPI.

Furthermore, I must tell you that I am disappointed, because I thought I heard a few weeks ago my friends in the White House telling us that Social Security—telling us truthfully, correctly—has nothing to do with deficit reduction, because Social Security is funded by the payroll tax, and that Social Security should be off the table in terms of deficit reduction. I heard that many, many times. So I wonder how Social Security has suddenly gotten back on the table, including a chained CPI, with devastating cuts to seniors and disabled vets.

I think we should deal with Social Security. I think Senator DICK DURBIN made a good point: Let's deal with it. Let's deal with it separately. Let's determine how, in a fair way, we can make Social Security solvent for the next 50 or 75 years without cutting benefits.

I have ideas on that, Senator BEGICH has ideas on that, Senator HARKIN and others. And the Presiding Officer has been thinking about ways that we make Social Security solvent and strong for 75 years without cutting benefits. Let's have that discussion, but not as part of a deficit reduction bill when Social Security has had nothing to do with deficit reduction.

I do not often quote Ronald Reagan, but this is what Ronald Reagan said on October 7, 1984. He was absolutely right. Ronald Reagan:

> Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security, that money would not go into the general fund to reduce the deficit, it would go into the Social Security Trust Fund, so Social Security has nothing to do with planning the budget or erasing or lowering the deficit.

October 7, 1984. Reagan was right. I have to tell you that when Barack Obama was campaigning for President in 2008, he told the AARP on September 6, 2008, that:

> John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear. I will do neither.

September 6, 2008, Barack Obama. One of the astounding things about Congress and the inside-the-beltway mentality is how out of touch it is with what the American people are thinking and what the American people are believing. Yesterday there was a poll in the Washington Post. I ask unanimous consent that that poll be printed at the conclusion of my remarks.

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

(See exhibit 1).

MR. SANDERS. What that poll said—I hope my colleagues are listening—this is yesterday in the Washington Post, and this is absolutely consistent with every other poll I have seen—60 percent of the American people believe it would be unacceptable to change the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now in order to strike a budget deal. Only 34 percent would find this acceptable. Sixty percent of the American people believe it would be unacceptable to raise the age of Medicare eligibility, 68 percent of the American people believe it would be unacceptable to cut spending on Medicaid. But 74 percent of the American people said in this poll that they would accept raising taxes on Americans with incomes of over $250,000 a year. This is consistent with every other poll that is out there. The American people are saying: Wait a minute. The middle class, the working class is hurting. Do not cut Social Security, Medicare, Medicaid. That is what they said yesterday in the poll.

What they also said, at a time when the rich are getting richer, yes, they should be asked to contribute more in taxes. I mentioned earlier that to the best of my knowledge, every single veterans organization has made it clear that they are strongly opposed to the so-called chained CPI, which would cut benefits for disabled vets.

The AARP and the every other seniors organization, including the groups to protect Social Security, the National Committee to Protect Social Security and Medicare, and others are saying do not cut Social Security benefits. The AFL–CIO has been very vigorous in protecting working families and saying do not cut Social Security, do not cut Medicare, do not cut Medicaid.

Here we are, the American people overwhelmingly want the wealthy to pay more in taxes and not cut Social Security and Medicare and Medicaid, organizations representing tens of millions of people are saying, ask the wealthy to pay more in taxes, not cut Social Security, Medicare, and Medicaid.

What are we talking about here? We are talking about cutting Social Security, Medicare, and Medicaid, and asking the wealthy to pay more but nowhere near as much as they should be asked to pay.

We wonder. We wonder why Congress has a 9-percent favorability rating. I will tell you that my phones today—and I do not think this is an organized effort, by the way—my phones in my office—and you might want to check your offices, but my office phones are bouncing off the hook from people in Vermont and all over this country saying: Do not cut Social Security.

So I would say to the American people, right now a deal is being hatched which would cut Social Security and benefits for disabled veterans, raising taxes on low-income workers. If you think that is a bad idea, you might want to get ahold of your Senator or Member of the House.

Let me conclude by saying, in my view, deficit reduction is a serious issue. We, as you know, have already cut $1.5 trillion in programs as a result of the agreements in 2010 and 2011, and up to this point the millionaires and billionaires have not contributed one nickel—one nickel—more in taxes. So deficit reduction is a serious issue. I look forward to playing an active role in making sure that we address that serious problem. But I will do everything in my power to make sure we do not balance the budget on the backs of veterans, the elderly, the children, the sick, and the poor, and low-income working people.

(EXHIBIT 1)

PUBLIC WANTS COMPROMISE ON FISCAL CLIFF, BUT SPECIFICS UNPOPULAR

IN THIS POLL:

With the end of the year approaching, Americans give Obama his highest approval ratings in over a year and key advantages over Republicans in the battle over the so-called 'fiscal cliff.' Still, majorities say both Obama and Republicans are not willing enough to compromise to reach a deal.

POLL QUESTIONS

Q. Do you approve or disapprove of the way Barack Obama Is handling his job as president?

APPROVE—54%

DISAPPROVE—42

Q. Do you approve or disapprove of the way Obama is handling the economy?

APPROVE—50%

DISAPPROVE—48

Q. Do you approve or disapprove of the way Obama is handling taxes?

APPROVE—48%

DISAPPROVE—45

Q. Do you approve or disapprove of the way Obama is handling Budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—45%

DISAPPROVE—43

Q. Do you think Obama has a mandate to carry out the agenda he presented during the presidential campaign, or should he compromise on the things the Republicans strongly oppose?

OBAMA HAS MANDATE TO CARRY OUT AGENDA—34%

OBAMA SHOULD COMPROMISE—56

Q: Which comes closest to describing the way you feel about the outcome of the 2012 presidential election: enthusiastic, satisfied but not enthusiastic, dissatisfied but not angry or angry?

Enthusiastic—23%; Satisfied but not enthusiastic—31; Dissatisfied but not angry—31; No opinion—2.

Q: Do you approve or disapprove of the way The Democrats in Congress are doing their Job?

APPROVE—39%

DISAPPROVE—56

Q: Do you approve or disapprove of the way The Republicans in Congress are doing their job?

APPROVE—25%

DISAPPROVE—70

Q: Do you approve or disapprove of the way the Republican leaders of Congress are handling budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—26%

DISAPPROVE—65

Q: Who do you trust to do a better Job Coping with the main problems the nation faces over the next few years—(Obama) or (the Republicans in Congress)?

Obama—50%; Republicans—35; (VOL) Both equally—1; (VOL) Neither—11; No opinion—3.

Q: Who do you trust to do a better job Handling the economy—(Obama) or (the Republicans in Congress)?

Obama—54%; Republicans in Congress—36; (VOL) Both equally—1; (VOL) Neither—7; No opinion—1.

Q: Who do you trust to do a better job Protecting the middle class—(Obama) or (the Republicans In Congress)?

Obama—58%; Republicans in Congress—32; (VOL) Both equally—1; (VOL) Neither—7; No opinion—3.

Q: Who do you trust to do a better job Handling taxes—(Obama) or (the Republicans in Congress)?

Obama—46%; Republicans in Congress—42; (VOL) Both equally—1; (VOL) Neither—9; No opinion—3.

Q: Who do you trust to do a better job Handling the federal budget deficit—(Obama) or (the Republicans in Congress)?

Obama—45%; Republicans in Congress—41; (VOL) Both equally—2; (VOL) Neither—10; No opinion—3.

Q: Overall, what do you think is the best way to reduce the federal budget deficit—(by cutting federal spending), (by increasing taxes) or by a combination of both?

Cutting federal spending—29%; Increasing taxes—4; Combination of both—65; No opinion—2.

Q: If deficit reduction comes both from (cutting spending) AND from (increasing taxes), should it be more from (cutting spending), or more from (increasing taxes) or should it be half from each?

More from cutting spending—47%; More from increasing taxes—10; Half from each—41; No opinion—2.

Q: in order to strike a budget deal, would you accept Cutting spending on Medicaid, which is the government health insurance program for the poor or is this something you would find unacceptable?

ACCEPT—28%

UNACCEPTABLE—68

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Cutting military spending or is this something you would find unacceptable?

ACCEPT—42%

UNACCEPTABLE—55

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising taxes on Americans with incomes over 250-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—74%

UNACCEPTABLE—24

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising the age for Medicare coverage from 65 to 67 or is this something you would find unacceptable?

ACCEPT—36%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Changing the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now or is this something you would find unacceptable?

ACCEPT—34%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Capping the amount of money people can claim in tax deductions at no more than 50-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—54%

UNACCEPTABLE—36

Q: How likely do you think it is that (Obama) and (Republicans in Congress) will agree on a budget plan that avoids the fiscal cliff?

Very likely—14%; Somewhat likely—38; Somewhat unlikely—26; Very unlikely—19; No opinion—2.

Q. If a budget agreement is not reached, who do you think will be mainly to blame—(the Republicans in Congress) or (Obama)?

Republicans in Congress)—47%; Obama—31; (VOL) Both—18; (VOL) Neither—*; No opinion—3.

Q: How concerned are you, if at all, about what may happen to the national economy if Obama and Congress cannot reach a budget agreement?

Very concerned—58%; Somewhat concerned—30; Not too concerned—7; Not concerned at all—3; No opinion—1.

Q: How concerned are you, if at all, about what may happen to your personal finances If Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—32; Not too concerned—11; Not concerned at all—10; No opinion—1.

Q: How concerned are you, if at all, about what may happen to the government's ability to operate effectively if Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—30; Not too concerned—11; Not concerned at all—9; No opinion—2.

Q: How concerned are you, if at all, about what may happen to the U.S. military if Obama and Congress cannot reach a budget agreement?

Very concerned—44%; Somewhat concerned—31; Not too concerned—14; Not concerned at all—9; No opinion—2.

Q: Has the leadership of the Republican Party been too willing or not willing enough to compromise with Obama on the budget deficit?

Too willing—14%; Not willing enough—76; About right—2; No opinion—8.

Q: Has Obama been too willing or not willing enough to compromise with the leadership of the Republican Party on the budget deficit?

Too willing—28%; Not willing enough—57; About right—5; No opinion—10.

Q: Generally speaking, do you usually think of yourself as . . .?

Democrat—31%; Republican—24; Independent—38.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COONS. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 20 minutes.

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

NEWTOWN, CONNECTICUT TRAGEDY

Mr. COONS. Mr. President, I rise today with a heavy heart. When we first heard of the horrific shooting in Newtown, CT, on Friday, it was impossible for me not to react, not just as a Senator but as a parent, as a father. And as my wife and I spent the weekend reflecting on the heartbreaking loss of 20 innocent children and 6 of their teachers and faculty, as we talked to our own 3 young children about what had happened, we thought about the grief and the anguish for a whole range of different parents deeply touched by this tragic incident.

The first, of course, are the parents who lost their precious innocent children, their 6- and 7-year-olds in the massacre at Sandy Hook Elementary School last Friday. Joel and JoAnn Bacon lost their precocious, outgoing, red-haired daughter Charlotte, just 6 years old. JoAnn had recently bought Charlotte a new holiday dress in her favorite color—pink—and a pair of white boots. Charlotte had begged and begged to wear her new outfit early, and on Friday, December 14, the last day of Charlotte's young life, her mother JoAnn agreed.

Steve and Rebecca Kowalski lost their active and athletic 7-year-old son Chase. Just 2 days before the shooting, Chase's next-door neighbor had asked him what he wanted for Christmas, and I understand he pointed to his two missing front teeth.

Any of us who have had the special blessing and joy of raising young children, especially at holiday time, can

only imagine the unbearable sorrow of these families who now and forever will have a child-sized hole in their hearts and their lives.

We offer you whatever small measure of comfort we can in knowing that you are not alone, that all across this country and around the world people pray for your healing, and we all hope that with time you and your families can come to understand and live through the grief of this moment.

We also think of other parents, parents who years before raised their young adult children to give back to their community and the next generation—young adults who chose to become teachers. In addition to the heroics of school principal Dawn Hochsprung, school psychologist Mary Sherlach, and teacher Anne Marie Murphy, a mother of four herself, three other very young teachers gave their lives to protect the students in their care: Lauren Rousseau, a 30-year-old substitute teacher; Victoria Soto, a heroic 27-year-old teacher; and Rachel Davino, a 29-year-old whose boyfriend was planning to propose on Christmas Eve. Their parents too, their families are in our prayers.

Also in our hearts today are the families of the courageous first responders who rushed toward danger as everyone else rushed away. In any emergency, Mr. President, as you know, being a former attorney general, our law enforcement officers face unknown danger with extraordinary courage. At Sandy Hook Elementary, police officers rushed to the site knowing full well that an armed gunman awaited them. What they found was unimaginable. Thank God they arrived as quickly as they did or the carnage might have been worse. But we need but reflect for a moment on what those police officers and firefighters and folks from the ME's office ultimately found—unspeakable carnage. These heroes could not react as parents, as community members. They had to choke back their own grief and horror to carry out their professional responsibilities to catalogue, investigate, and document every detail of this tragic scene so that justice could be done and lessons learned. The scars of those long hours on a crime scene like this last a lifetime, and first responders all across this country in situations such as this bear them with honor and dignity and without complaint.

This tragedy, of course, also has ripple effects far beyond Sandy Hook and far beyond Newtown, CT. All over this country there are parents whose children struggle with mental illness, with mental health challenges, who don't have the resources they need to cope. My office has had many calls from worried parents since Friday's shootings, worried for many reasons, but one that stood out for me was a dad from Newark, DE, whose own child is struggling with mental illness and who is working hard to try to find the resources to ensure appropriate care so that he won't someday be watching the television with horror as the tragic actions of his child unfold.

We think of the story also shared online of the mother in Idaho, terrified her own son has the capacity to kill someday and yet without the ability to give him the intensive medical care, treatment, and intervention she believes he needs.

Across this country, mental health care is a growing challenge for us. Between 2009 and 2011, States cut more than $2 billion from community mental health services. Two-thirds of States have significantly slashed funding in these difficult economic times, leaving parents seeking help for their mentally ill children often with nowhere to turn.

We must do better for all these parents—the parents who lost their children at Sandy Hook Elementary, the parents who lost their children who were teachers and faculty, the families of those who were first responders, and families who struggle with children with mental illness and mental health problems.

But, frankly, this week I also think about parents all over our country who have lost their children, just as precious and just as innocent as those at Sandy Hook, to gun violence, outside the media spotlight. The truth is gun violence knows no boundaries of race or class, but our national response at times seems to.

There were 41 murders in Delaware alone last year, 28 of them where guns were used as the murder weapon.

Sixteen-year-old Alexander Kamara was playing in a soccer tournament at Eden Park in my hometown of Wilmington this summer when he was shot and killed in execution style.

Dominique Helm, age 19, was standing with his teenage cousins on the steps of his Brandywine Village rowhouse last September when a gunman opened fire. He stumbled through the doorway and died in his living room as his mother Nicole ran to him.

Stories like this are tragically, appallingly, common across our country every day. Every day, 34 Americans are murdered with a gun. It happens in our streets and in our neighborhoods. It happens in movie theaters in Aurora, CO, and houses of worship at Oak Creek, WI. It happens in high schools in Littleton, CO, and at a college campus in Blacksburg, VA. It happens outside a supermarket in Tucson, AZ, where one of the six people killed was 9-year-old Christina Taylor Green—a child herself born on 9/11, imbued with a sense of hope and a call to public service, who wanted to meet her Congresswoman Gabbie Giffords in order to learn more about public service.

They say nearly 40 percent of Americans know someone directly who has been a victim of gun violence. In Christina's case, her father was my high school classmate back in Delaware. Gun violence touches families, communities, and neighborhoods all over this country.

So what do we owe these parents? What can we offer their families besides our thoughts and prayers? I believe we must fulfill our central responsibility of protecting the safety of our children and our communities, while also preserving the individual liberties guaranteed in our Constitution.

On Sunday night, we watched President Obama speak to a community reeling in shock and grief, for the fourth time in his time as President. He asked us as a Nation whether we are doing enough to protect our children, and he gave us the painfully honest answer that we did not give ourselves after Fort Hood, after Tucson, after Aurora. He said, No, we are not. We are not doing enough to protect our own children.

Horrible crimes like these have a very complex web of causes—including, of course, mental illness. This complexity presents us with a complicated challenge. But the reality is the United States has the highest rate of gun deaths in the industrialized world, nearly 20 times higher than comparable nations.

In my view, this calls out for a comprehensive approach, for a thorough and searching examination of the causes of this uniquely American crisis. I believe it requires action by this Congress and our President.

I have received calls and letters, e-mails and Facebook posts, from Delawareans around the State, Republicans and Democrats, doctors and teachers, parents and children. They have shared with me their grief and their ideas, and they have called for action.

The United States has a long and proud tradition of independence, of protecting ourselves, of exercising our right to self-determination, of hunting and of a sporting tradition that is enshrined in our second amendment. And we have to recognize the importance—the legitimacy—of the concerns of gun owners to know that in the debate that can and will and should unfold in this Chamber we will respect their right to bear arms and that we will respect and honor this most important part of America's fabric. But every constitutionally protected right has its boundaries, its limitations.

I am troubled in particular by the thread that ties together too many of these tragic mass shootings: that the perpetrator had clear mental health problems, unaddressed, untreated mental illness challenges, and used military-style weapons and clips that have no place in everyday civilian life.

Several of my colleagues have already come forward with proposals—Senators MANCHIN, LAUTENBERG, WARNER, FEINSTEIN, and others, and I will touch on a few.

I believe reinstating the ban on high-capacity magazines, focusing on ammunition and on the outrageously devastating impact of military clips and military ammunition particularly on children across all these instances—I

think we should focus on that, and reinstate the ban on high-capacity magazines in the next Congress.

In addition, Senator LIEBERMAN just the other day on the floor—and he has been joined by Senator ROCKEFELLER—has called for a study to gain a better understanding of the linked issues of mental health, mass shootings, and the desensitization of violence in our culture. President Obama has picked that up and carried it forward, and is proposing a new commission which the Vice President—Delaware's own JOE BIDEN—will be chairing. It is my hope that out of this important work we can find a path forward that marries the crying need to deal with mental health issues with cultural concerns about violence and desensitization with responsible limitations on the excessive use of military-style weapons and clips.

Last, in my view, we can and must do more to keep guns out of the hands of those with a history of violent crime or demonstrated mental illness. Our database system is broken and has to be repaired.

At Virginia Tech, 32 students and professors were murdered by a young man who got a gun he should have been prohibited from buying. A court had already ruled he was mentally ill and posed an imminent danger, but these findings simply weren't reported to the FBI's gun background check system. That is a travesty. The parents of those 32 murdered in Blacksburg, VA should be crying out for justice.

We should ensure that no gun sold in this country is sold to someone we know to be dangerous or who poses a direct threat to innocent Americans' lives. Today, an estimated 40 percent of all gun sales—some 6 million weapons a year—are sold by unlicensed dealers who aren't required to conduct any criminal background check under Federal law. This is how 12 students and 1 teacher were murdered at Columbine High School in Colorado, with guns bought from an unlicensed seller—no paperwork, no questions asked.

It is my hope, it is my prayer, that we will work to address this and many other complex but important issues in the coming weeks and months, and that we will consider all these proposals carefully and reach a balanced but effective solution.

I will apply the test of balance to find ways that we can continue to respect our traditions and protect constitutional liberties while still advancing our moral requirement to keep our kids and our communities safe.

As parents, we can't help but react with horror at the slaughter of innocent children in their classrooms. We all have to take time first to grieve with our families and our communities; but as policymakers, we also have a calling to react to the facts as we see them. And in this regard a reaction will have three stages: We need to reflect, we need to debate, and then we need to act.

The reflection and the debate have already begun. The action is still to come. I look forward to working with the Presiding Officer and my colleagues in the weeks and months ahead to ensure that this time we act. The victims of Newtown, CT, deserve nothing less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I know we have Senators who have talked about bringing amendments to the floor. I know the distinguished majority leader is trying to get a finite list and a time to vote on them. I hope that can be done. I hope Senators who have amendments will bring them up, debate them, and vote them up or down so we can get on with this bill.

If you are a person whose home has been devastated or your children's school has been destroyed in this storm or your business is only a pile of rubble—those people really find it pretty difficult to see us, whether it is the U.S. Senate or the other body, standing around saying we may have amendments, we may not have amendments, we may have something that is not germane to what we have here but we want to make a message amendment. They are saying: We are Americans—we are Americans and we are suffering. Do something for us, just as this body always has. Whether the disaster has been in the Midwest, the West, the Northeast, the Southeast, or the South, we have come together for our fellow Americans.

Time is running out, and we should get moving. I urge Senators, bring your amendments. If you really think they have merit, if you really think they have anything to do with this disaster relief, if you really think they are going to be able to help, bring them in and let's vote them up, vote them down. But let's not just sit here thinking that maybe we can wait longer.

We get paid our salaries. I don't know of any Senator who has lost his or her home, certainly not his or her business. They are still here, and they still get paid every couple of weeks. That is not the case for hundreds of thousands of people. Let's start acting to take care of them.

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

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

THE FISCAL CLIFF

Mr. HATCH. Mr. President, I rise today to discuss the ongoing situation with the so-called fiscal cliff. To millions of Americans, what's happening here in Washington must be a mystery.

In less than 2 weeks, almost every single taxpaying citizen will face a massive tax hike if we don't act. For weeks now, the Speaker of the House, JOHN BOEHNER, has been trying to get this President to come up with a fair, reasonable and balanced solution so we don't go over this cliff.

The President, thinking he has some sort of mandate after his reelection, has been less than reasonable. In fact, this President has proposed more and more spending, and more and more tax hikes in his proposals to the Speaker, while the Speaker is trying to stop these tax hikes and deal with our over $16 trillion debt. The President just can't take yes for an answer. He must think that if he keeps slow-walking these proposals that Republicans will get the blame—and members of his administration have even reveled that they would be more than happy if we went over the cliff.

What kind of cruel Christmas gift is that?

After the Speaker and the President exchanged offers this week, House Republicans are looking at having votes on two competing pieces of legislation as early as tomorrow. The first is legislation that passed this body over the summer—deeply-flawed legislation that every Democrat in this body supported.

I should note that I put forward a more common-sense alternative that would have extended all the current tax policy for 1 year during which time we could undertake a comprehensive overhaul of our bloated, broken tax code. I think I characterized it as putting it over for 1 year and dedicating that year to tax reform, which we all know needs to be done.

The second piece of legislation that the House will vote on is legislation that Speaker BOEHNER has called ''Plan B''—a more limited piece of legislation that extends almost all the current tax policy as is in the law today.

I understand that this ''Plan B'' is a plan of necessity. And while I understand that the Speaker continues to negotiate with the President to try and reach an agreement, the Speaker has put this forward to force action from this intransigent White House.

What does the Speaker's plan do?

The Speaker's plan would provide seamless permanent tax relief for American taxpayers who earn less than $1 million. For taxpayers earning above $1 million, the statutory rates on ordinary and capital gain income would be set at the level President Obama and Congressional Democrats have insisted on.

My preference is clear. I have legislation that this body voted on in August that shows what I believe is the better path.

I oppose tax increases very strongly and have said over and over that we should not be touching tax rates. But I

also understand, given the reality before us, that the Speaker has to move forward with a plan to force action.

Is it perfect from my perspective? No, but we cannot let the perfect be the enemy of the good.

The Speaker, in my view, is the only person in these negotiations trying to find a resolution. I commend him—I admire him—I back him—and I know he is working hard discussing this legislation with the members of the House Republican Conference as they move towards a vote.

I hope they support this plan. However, it turns out, if I was a member of the House, I would.

But I am a Member of the Senate and this leads me to ask: after the House passes ''Plan B'' and defeats the Senate Democrats' tax bill, what is it that Senate Democrats want to do?

The House will presumably send its bill to the Senate. Senator REID and the White House have already said it is dead on arrival in the Senate. I find that very curious indeed since so many Democrats seem to have wanted exactly what the Speaker is giving them. Then they complain that the Speaker's plan isn't ''balanced,'' despite the fact that the President in a proposal was calling on more stimulus spending and for the continuation of so-called temporary stimulus tax provisions that the President now somehow wants to make permanent.

So I would say to my friends on the other side of the aisle, what is it exactly that you want to do?

What is it that Senate Democrats and the White House want?

We are all waiting.

The American people are waiting.

Enough of the games. Put your money where your mouth is, and tell us what you think is better than what Speaker BOEHNER is ultimately going to put forward.

If I were in the House, I would be supporting Speaker BOEHNER. Frankly, I do support Speaker BOEHNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3367, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask for the regular order with respect to my amendment, No. 3367.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MERKLEY. I have a modification at the desk. I ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment is as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. I also ask unanimous consent to add Senator FRANKEN, Senator TIM JOHNSON, and Senator TOM UDALL as cosponsors to the amendment.

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

Mr. MERKLEY. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding that at 4 o'clock, Senator DURBIN from Illinois will be speaking. I ask unanimous consent that I be allowed to speak at the conclusion of his remarks, at or around 4:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

FAREWELL TO THE SENATE

Mr. KYL. Mr. President, I am deeply honored to have served for 18 years as Arizona's 10th Senator and for four terms in the House of Representatives before that. Now it is time to move on. My successor, Senator-elect JEFF FLAKE, is a good and honorable public servant who will work hard on behalf of our great State of Arizona, and my colleague JOHN MCCAIN will continue his long and dedicated public service as well. I appreciate the remarks he delivered here yesterday.

I say thank you to my colleagues for your friendship. It has been a privilege working with so many of you on both sides of the aisle. While it is true that Washington would benefit from more civility, the Senate behind the scenes is an extraordinarily collegial institution, and I will certainly miss that aspect of the job.

I also thank my staff, past and present, for working so many long hours and for spending so much time analyzing the issues that will determine America's future.

Farewell speeches offer the opportunity to reminisce about the past. I actually do not believe that would be the best use of either your time or mine. Instead, I am going to comment on some of the biggest public policy changes America faces and recommend principles to guide the way forward.

I was first elected to public office when the Reagan revolution was in full swing. Maximizing freedom guided the policies of that era, with tremendous success. My goal as a public servant has been to advance and maintain a consensus in favor of the so-called three legs of the Reagan public policy stool.

One, dynamic, growth-oriented economics; two, the social values that make limited government possible; and three, a national security commitment that emphasizes a strong and sovereign America. In each of the three areas, maximizing freedom and the positive results that flow from that is the goal.

Let's turn first to economic freedom. The Reagan years showed us that expanding economic freedom should be the North Star, the guiding light of U.S. policy because it is the best way to achieve sustained and broad-based prosperity for all. Free markets, low taxes, and limited government allow citizens to use their talents and resources in whatever way they choose and keep more of the fruits of their labor.

I encourage people to invest, work, start businesses, and hire others. In other words, free markets promote economic well-being for all. Cutting taxes at the margins; that is, reducing the rate of tax on the next $1 earned, encourages growth. Raising taxes can have the opposite effect. Nobel economist Edward Prescott of Arizona has found that higher marginal tax rates are the reason Europeans work one-third fewer hours than Americans.

When marginal rates are lower, prosperity flows to other sectors of society, allowing businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which then can be lent to other entrepreneurs. Everyone gains in a free economy. As John F. Kennedy put it, a rising tide lifts all boats.

Look at what free enterprise has achieved. After President Reagan dramatically lowered tax rates and trimmed regulation, income increased in every quintile. Millions of new private sector jobs were created and the stock market soared, tripling in value over 8 years. The lower tax rates, reduced regulatory burden produced a more robust economy and a more robust economy meant more revenue for government. Similar results attended the tax rate reductions during the Presidency of George W. Bush.

In recent years, many policymakers have forgotten these lessons. Since 2008, America's score in the Index of Economic Freedom has declined significantly to the point that we are no longer considered a free economy but, rather, a mostly free economy. That is what happens when we dramatically increase government spending and regulations. Now we are on the verge of a massive tax increase which could undermine small businesses and stifle economic growth America badly needs.

Policymakers must focus on the basic laws of economic input. A faulty view has gained traction in recent years that consumption fueled by government spending actually creates economic growth. It doesn't. It just moves money around by taking from people who produced it and could productively spend or reinvest it and giving it to government to spend. Consumption is the wrong target.

People only change their spending habits when they know they will have greater consistent income over time; for example, when they receive a raise at work or get a permanent tax cut. That is why temporary stimulus tax gimmicks don't work.

If the problem with the economy is supposedly a lack of consumption, the government cannot solve that problem by spending for us. After all, it is our tax money that is being taken out of the economy and spent. When government borrows, it will eventually have to tax the people to pay back what it has borrowed. There is no free lunch. For the government to spend, taxpayers have to give up wealth they could have spent or invested. Keynesian demand-side economics assumes the government is more efficient at spending our money than we are. That assumption has proved to be incorrect time and again.

Wise policymakers will find the right balance between the need for more tax revenue and the need for more economic freedom. They will remember there is no fixed economic pie that legislators should try to divide. They will remember that labor, capital, and technology are the real factors that drive long-term economic growth, not government spending. They will stop shackling would-be entrepreneurs and job creators with ever more burdensome regulations.

Here is some more good news about growth-based free enterprise. It is the most moral economic system ever devised for three reasons. First, it is premised on the truth that success only comes by supplying something to others that they need or want. In the bargain, both sides benefit. Second, this system has produced incredible wealth around the world, lifting millions out of poverty. No economic system can come close in helping that many people. So it is the most moral economic system in providing material benefits, but that is only part of the story.

Free enterprise provides more than increased income and material prosperity. Those things help, but they are not what make humans thrive. The key determinant of lasting happiness and satisfaction is what American Enterprise Institute president Arthur Brooks has called earned success. People are happiest when they do something they are good at, when they create value in the lives of others, and genuinely earn their income regardless of how much it is.

Brooks put it very well in his book ''The Battle,'' and I quote:

Earned success gives people a sense of meaning about their lives. And meaning also

is key to human flourishing. It reassures us that what we do in life is of significance and value, for ourselves and for those around us. To truly flourish, we need to know that the ways in which we occupy our waking hours are not based on mere pursuit of pleasure or money or any other superficial goal. We need to know that our endeavors have a deeper purpose.

The earned success that comes from doing a job well explains why fabulously wealthy people often choose not to retire after they have earned their fortunes. They are motivated by the satisfaction that comes from spending the day productively by creating, innovating, and solving problems. They are creating purpose-driven value in their own lives and oftentimes tangible value in the lives of others.

The effect of earned success also explains why people who win the lottery often become depressed when they find out that free money offers hollow joy. Free enterprise promotes freedom to achieve and, therefore, more opportunities to earn success. It is the most moral economic system ever created. It is also the fairest system because it rewards merit, hard work, and achievement. This is what brought my grandparents to this country, along with millions of other immigrants. Incidentally, real free enterprise has no place for crony capitalism because it doesn't have government picking winners and losers.

The biggest economic favor policymakers can do for Americans is to follow the Reagan legacy and support free market policies that create more opportunity, more mobility and more earned success and therefore more human flourishing possible for every American. Free enterprise is the only economic system that gives us so many opportunities to pursue fundamental happiness and lasting satisfaction.

This brings us to the second leg of the Reagan stool—the question of values. President Reagan devoted his Presidency—and indeed his entire career in public life—to the expansion of economic freedom. He also understood that economic freedom depends on certain cultural underpinnings, such as marriage, family, and personal responsibility. He understood that family breakdown and social pathologies would ultimately make people more reliant on government and thus more eager for government to expand, sapping them of individual responsibility and the need to care for others in the family or community.

In short, Reagan understood that economic conservatism would not and could not survive unless social conservatism survived too.

The United States has a stronger philosophical attachment to freedom and limited government than any other Nation on Earth. Yet I also recognize that many cultural trends are working against us. For example, nearly 41 percent of all American children are now born to unmarried women, compared with fewer than 11 percent in 1970. Without stable, two-parent families, the government bears more of a burden of caring for these children. The growth in food stamps and other support programs makes the point. At some point, this makes it harder to maintain a political consensus that favors limited government, economic freedom, and programs that help people out of poverty rather than entrenching it. Why?

To quote Princeton scholar Robert P. George, limited government:

> Cannot be maintained where the marriage culture collapses and families fail to form or easily dissolve. Where these things happen, the health, education, and welfare function of the family will have to be undertaken by someone or some institution, and that will sooner or later be government.

In other words, in the absence of two-parent families, the government fills the financial role of the father, to say nothing of the critical roles fathers play. Over time, more and more Americans have come to rely on the government to provide for their most basic needs, needs that two-parent families have traditionally supported. Those Americans are now competing for increasingly scarce resources.

This is not to judge the status of these families or to suggest it is in any way inappropriate for government to provide the help. It is precisely because we do care that we provide help through government and other institutions. But that is an action to ameliorate the effects of a condition, not to change the underlying condition.

I believe we must do all we can to revive the marriage culture, increase family stability, and ensure that more children grow up in two-parent households. Strong families have always been the key to upward mobility and economic security.

If we want to remain an aspirational society, a society where children have the opportunities and the resources to pursue their dreams and create a better life, we must encourage young Americans to embrace what Ron Haskins and Isabel Sawhill of the Brookings Institution have called the success sequence. That sequence is very simple: Complete high school, get a full-time job, get married before having kids. If we follow that sequence, we are virtually guaranteed to avoid poverty.

The marriage culture is fighting an uphill battle against forces that threaten to overwhelm them. I urge everyone who believes in limited government, economic freedom, and the real self-worth and well-being of our children to do their part in rebuilding the institution of marriage. No other social cause or campaign is more vital to America's future.

When it comes to shaping our culture, we must also improve the quality of our students' civic education. I fear that many American students are graduating from high school and college with only the vaguest knowledge of our founding and our Constitution and what it means to be an American. It is hard to defend rights if we don't know what they are and where they came from.

Schools shape students' views about our priorities as a society and what principles are worth standing for. Instead of teaching history and the fundamentals of America's founding, many curriculums focus on small, politically correct topics such as gender, class, diversity, and ethnicity. The entertainment industry and many major media outlets, too, dwell on these topics and lend them outsized importance.

These topics tend to be political and emphasize what divides us. They ignore our common heritage of freedom, equality, self-reliance, human dignity, faith, and community. As William Bennett recently wrote: When we look at what students are being taught, it is easy to see why more of them prefer socialism over free market capitalism. He writes: ''Politics is downstream from the culture.''

Bennett also noted that Plato said the two most important questions in society are: Who teaches the young and what do we teach them.

I believe we need to think long and hard about these two questions. It is time to have a serious discussion about civics education. If Americans don't understand or appreciate the foundations of our republican government, those foundations will gradually erode. In that sense, political and historical literacy is critical to the preservation of our constitutional freedoms.

As President Reagan famously said:

> Freedom is never more than one generation away from extinction. We didn't pass it on to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

Moving to the last leg of the Reagan policy stool: national security. I have tried to follow the Reagan legacy of pursuing peace through strength. As President Reagan once said, ''Of the four wars in my lifetime, none came about because America was too strong.''

President Reagan knew that weakness tempts aggression, and he believed that deterrence meant ''making sure any adversary who thinks about attacking the United States . . . concludes the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.''

American strength remains the best guarantor against major armed conflict between nation-states. While it is not our role to police the world—and we couldn't do it in any event—it is also true that we are the indispensable Nation to help safeguard liberal values around the world.

For America to continue its leadership role, however, we must have a military with both the capability and the flexibility to address a wide range of challenges. And, yes, it means adequately funding the military requirements, among other things, by avoiding the devastating sequestration of

necessary defense investments. I wish to speak to four of our challenges: nuclear modernization, missile defense, terrorist threats, and transnational law.

For the first time in the history of U.S. nuclear policy, the President has placed nuclear disarmament and nonproliferation, rather than nuclear deterrence, ''atop the U.S. nuclear agenda.''

Ironically, more treaties or unilateral actions that take us closer to nuclear disarmament will not help us reduce the dangers we face today. Such actions will only serve to make our allies who depend on U.S. nuclear guarantees more nervous, while potentially weakening the credibility of U.S. nuclear deterrence. Senate support for the 2010 New START treaty was based upon a commitment to modernize our aging nuclear complex and weapons. As that commitment starts to decay, it will become increasingly difficult to rebuild the responsive nuclear infrastructure that even the President agreed is necessary for further nuclear reductions as well as the continued credibility of the U.S. nuclear arsenal. Note that I said ''for further nuclear reductions.'' They are literally dependent upon the U.S. modernization.

The New START proceedings made it clear that the nuclear balance between the United States and Russia under New START force levels would be stable—except, of course, for the huge diversity—or disparity, I would say—in tactical nuclear weapons that Russia enjoys. But under this stability, there would be no incentives to strike first during a crisis nor would there be incentives to grow our respective nuclear arsenals in the future. We should, therefore, think very carefully before we contemplate any changes to longstanding U.S. nuclear deterrence policies or pursue further reductions in support of the President's disarmament agenda.

We absolutely cannot know for certain that fewer numbers of weapons will make us safer. In fact, Henry Kissinger and Brent Scowcroft recently reminded us ''that strategic stability is not inherent with low numbers of weapons; indeed, excessively low numbers could lead to a situation in which surprise attacks are conceivable.''

Policymakers would do well to heed the advice of Winston Churchill offered in his last address to the United States Congress. He said:

> Be careful above all things not to let go of the atomic weapon until you are sure, and more than sure, that other means of preserving peace are in your hands.

Against the backdrop of more than 100 million war casualties from conventional weapons in just the 30 years before development of the atomic weapon, Churchill's advice is sobering indeed.

The second challenge we face is with respect to missile defense. Recent events illustrate the importance of missile defense in today's security environment. Israel's Iron Dome missile defense system protected its population against rocket attacks, giving Israeli military and political authorities the time and the space necessary to avoid a devastating ground war, which is ultimately what made a truce possible.

As Secretary of Defense Panetta said at the time, ''Iron Dome does not start wars, it helps prevent wars.''

Elsewhere in the world, Turkey has requested NATO Patriot batteries to protect it against Syrian ballistic missiles potentially armed with chemical weapons. Meanwhile, Japan, South Korea, and the United States recently activated their ballistic missile defense systems in response to North Korea's long-range ballistic missile launch—yet another reminder that the threat doesn't stand still.

In response to Iran's development of nuclear weapons and longer range ballistic missiles, NATO has agreed to support the deployment of short, medium, and long-range missile defense systems to protect alliance territory and thereby avoid potential Iranian nuclear blackmail. So the benefits of defense are well appreciated, especially by those most directly affected or threatened.

We have proven that it is possible to hit a bullet with a bullet, and we have debunked the Cold War-era argument that missile defense contributes to a new arms race. In fact, since the United States withdrew from the ABM Treaty, we have reduced the number of deployed nuclear weapons from 6,000 under START to 1,700 under the Moscow Treaty to 1,550 under the New START treaty. We must continue to disabuse some of the notion that U.S. vulnerability to the Russian and Chinese nuclear arsenals is a source of stability when, in fact, the most important constitutional and moral duty of any President is to protect the American people.

We have made some progress in deploying domestic missile defenses since the United States withdrew from the ABM Treaty in 2002, though we have also squandered opportunities to do more. Here are just a few missile defense challenges for the future.

First, over the past 4 years, the Obama administration has consistently reduced funding for missile defense. Second, it has refocused funding on regional missile defenses that protect others at the expense of protecting the homeland of the United States and developing future technologies. Third, the administration has scaled back the number of ground-based interceptors protecting the homeland from 54 to only 30—numbers that do not begin to meet the standard established by the Missile Defense Act of 1999, which required a defense capable of addressing accidental and unauthorized attacks from any source. And, fourth, the administration has no plans to modernize interceptors that are more than 20 years old. That is the technology that is protecting America today, and it is, therefore, unlikely to keep up with future threats.

As I said, there is very little funding devoted to new breakthrough technologies that could provide even more effective defenses for the United States, such as lasers and space-based interceptors.

We should remember, as NORTHCOM Commander General Jacoby has explained to Congress, that ''no homeland task is more important than protecting the United States from a limited ICBM attack. . . . ''

Finally, one of the greatest challenges we face today stems from Russian attempts to limit the development and deployment of U.S. and allied missile defense systems. The United States cannot allow Russia to dictate to us limits on the capabilities of U.S. missile defenses. If they could be effective against a Russian launch, then so be it. That is what it means to protect Americans from potential threats. If the Russians argue that they pose no possible threat, then our missile defense should be irrelevant to them.

From negotiations on the New START treaty to threatening the United States and NATO in an attempt to limit our planned deployments in Europe, the Russians have never abandoned their goal of limiting the effectiveness of U.S. missile defense. The answer is not ''reset'' but recommitment to the principle that the most moral way to protect the American people from missile attacks is by missile defense.

The third national security challenge I wish to briefly discuss is the threat of political Islam. To defeat an enemy, we must first know the enemy, and that includes calling them by their name: radical Islamists who seek to impose their ideology to rule others—to govern political, social, and civic life, as well as religious life.

Intelligence is key to defeating political Islam. The Foreign Intelligence Surveillance Act, or FISA, and the PATRIOT Act are good examples of the tools we need to know what our enemies are planning and who they are before they strike. These tools cannot be allowed to expire.

The PATRIOT Act reflects a recognition that investigators charged with preventing acts of terrorism should have at least the same investigative tools as Federal agents charged with targeting mobsters or health care fraud.

The fourth and last national security challenge I will mention is the rise of transnational law, which poses a serious threat to American sovereignty. Our government was founded on the principle that laws should be made through the democratic process so that the people could hold their legislators accountable. The American people elected their own representatives and, therefore, control their own affairs. That is the theory.

Americans want the benefits of global cooperation based on widespread acceptance of useful international ''rules of the road,'' of course. But such rules, like our domestic laws, should be adopted through democratic processes that assure accountability on the part of the legislators. They should not be imposed by international bodies with zero accountability to the American people.

The rise of global governance, I believe, challenges this principle. By ''global governance'' I mean the use of multilateral treaties and other agreements to delegate power on matters such as the environment, natural resources, and individual rights to new international bodies with broad powers and little or no political accountability. Such issues have traditionally been decided by the laws of individual nations, not by international bureaucracies. Some treaties would directly implicate U.S. national security flexibility or capability.

One such treaty was defeated by the Senate in 1999—the Comprehensive Nuclear Test-Ban Treaty, which would have jeopardized America's nuclear deterrent by preventing us from ever again conducting tests of our nuclear weapons. We should never give up the right to verify that our nuclear deterrent works. It is critical that we know, that our allies who rely on these weapons know, and that our potential adversaries know, or our weapons will not have deterrent effect. I urge my colleagues to defeat this treaty again should it come up before the Senate in the President's second term.

In conclusion, in all three areas I have discussed here, we have had successes and we have had failures. I think of what Margaret Thatcher said as she was leaving public office; that there are no permanent victories in politics. What she meant was one can leave office having upheld their principles and having accomplished some of their policy goals, but that doesn't mean there will always be a consensus in favor of their preferred policies or that their accomplishments would not be reversed in the future.

As I look back on my 26 years in Congress and my 18 years in the Senate, I am deeply proud of everything we have accomplished—from tax relief and welfare reform to missile defense and nuclear policy, not to mention things of primary importance to my State. But I also understand that political victories can be ephemeral because in a democracy, a debate over these issues never really ends. It is always ongoing.

I will miss being involved in these important debates and decisions directly. From now on, my role in these matters will be as a private citizen, but I still aim to be involved.

It has been an honor—really the privilege of a lifetime—to serve, and it is difficult to say goodbye. But I will depart Capitol Hill with enormous faith in the American people, a profound appreciation for the miracle of the American Republic, and a resilient optimism about America's future.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN.). The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to say a few words about our colleague, Senator JON KYL. I have always appreciated his comments, his thoughtfulness, his patriotism, and his intellectual leadership in the Senate. He will be sorely missed after 18 years in the Senate. I am sorry the Senate will be losing Senator KYL's extraordinary talents, but as he retires from politics at the end of this month, I know he will remain a powerful force in the world of ideas.

Time magazine named JON one of the 10 best Senators in 2006. At the time, he said: ''You can accomplish a lot if you're not necessarily out in front on everything.'' That echoes Ronald Reagan's comment—one of his favorite slogans: ''There is no limit to what a man can do . . . if he doesn't mind who gets the credit.''

Over the last 18 years, JON KYL has accomplished a lot in this Chamber, and he has never seemed to care one bit about who got the credit. When he announced his retirement, the Wall Street Journal said JON ''has been as consequential as any Republican in Congress over the last decade and a half.'' That is quite a compliment and thoroughly deserved.

As you could tell from his comments, JON has spent a career promoting the Reagan legacy. After he leaves, many of us will be promoting the Kyl legacy.

He is a person of strong principle, a man deep in knowledge of public policy, and a person—uncharacteristic in politics—of remarkable humility. Here is how one writer described his unique skill set. Senator KYL, he wrote, ''is one of those rare breeds who seem to make no strong enemies even while holding firm to a consistent philosophy.'' As you have heard, he has been a leader on things ranging as wide as missile defense to criminal justice to tax policy.

One of the things I have admired about Senator KYL is he always seems to be among the most knowledgeable people in any room at any given time on any given topic that is under discussion. When he speaks, people listen. But he often willingly pushes others into the spotlight rather than himself. It is because he thinks tactically: How can I advance this policy or this idea, not: How can I advance myself in the public spotlight.

That certainly has been my experience with Senator KYL. But I would add something else. He has also been a courageous intellectual leader. He has consistently led on complex issues that other Senators have ignored or neglected or just have a difficulty understanding, complex topics such as nuclear modernization, missile defense, and transnational law, each of which he mentioned in his remarks just a moment ago. It is not easy to become the Senate's top authority on nuclear weapons, but JON KYL is, and it is not the best way to get your face on cable news. Not a lot of air time is given to people who want to talk about such arcane but important topics.

I have also watched Senator KYL over the past couple of years cultivate more junior Senators and help them become experts in their own right on all of his favorite issues. As a matter of fact, I attended a meeting on that just today where he was trying to bring along a number of us on the nuclear issue. Senator KYL is always thinking about the future, always thinking about the next generation of American leaders and the challenges they will face.

JON quoted Margaret Thatcher, reminding us there are no permanent victories in politics. He understands that the debate over limited government and a robust national defense will never be over, it will never be completely won and, hopefully, never completely lost. That is why he has worked so hard to educate and encourage other younger Senators who will be fighting these battles long after he leaves the Chamber.

As I mentioned earlier, JON KYL is tremendously principled. He is a proud conservative, but he is also a fair-minded and enormously effective legislator. Last February the New York Times declared that he ''may be [one of] the rare member[s] of his party who combines the trust of conservatives, policy smarts, and forcefulness that are needed to secure deals that can pass.''

It has been my great honor and privilege to work with JON KYL on such issues as immigration reform and criminal law, among others. He is a true patriot, a true intellectual in the greatest sense of that term, and a truly effective Senator for his State and for the Nation. After more than a quarter century of public service, including 18 years here in the Senate, JON KYL deserves a happy and healthy and successful retirement, but he will be sorely missed by everybody in this Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to echo the comments of the distinguished Senator from Texas. I have served with JON KYL for his whole time in the U.S. Senate, and he is a lawyer's lawyer. I do not say that lightly. I do not consider many lawyers a lawyer's lawyer. JON is an excellent lawyer, one of the best I have met and certainly one of the best ever to sit in Congress.

He also does not go off the deep end. When he speaks, anybody with brains should listen. Plus, he is a tremendous example not just to some of us older guys around here but especially to the new Senators and others who have come into this body. He has been a pivotal member of the Judiciary Committee, including when I chaired it and when we did so many interesting

things. He was a pivotal member on leading to a balanced budget in the middle of the 1990s. JON has argued for that, has argued for these types of fiscal restraints and responsibilities like no one I know.

JON is one of the most honest and decent and credible people I have known in the whole time I have been in the U.S. Senate. He has been an excellent leader for our party. As assistant minority leader and assistant majority leader, he has been a great, great leader in our party. We have all trusted him because he is a person who is trustworthy. We have all listened to him because he is a person worth listening to. We have all shared the pains of this place with him as friends and brothers working together, we hope in the best interests of our country. And there is no question in anybody's mind on either side of this floor, when it comes to JON KYL, they know he is a true American patriot who has done everything he could while he has been here to keep this country strong.

I have to say I have always been impressed with JON KYL. I have watched him close up for all these years, but I do not know that I have ever been more impressed than when he led the fight with regard to nuclear weapons and with regard to START. He not only was well informed, he was the best informed, and this body should have listened to everything he said. I am sure most people did.

I do not think any of us would fail to try to serve this country to the best of our ability. All I can say, in closing, is that JON has served this country to the best of his ability, and his abilities are extraordinary.

I personally count him as a friend. When I had this very interesting reelection this last time, with what seemed like the whole world coming down on me for some reason, one of the first people to offer help was JON KYL. He came to Utah, and it meant so much to me.

All I can say is, wherever JON goes after this is over, they are going to be lucky people to have him around. And I wish him all the success in the world. He deserves it. I hope he and his wife and family—whom I like very much—will have a wonderful, glorious existence from this day onward.

We are going to miss you, JON. We are going to miss your intellectual capacity. I am personally going to miss your legal capacity. And all of these other accolades that have been given your way, I will miss all of those too. But you have a friend here, and this friendship, in my opinion, is an eternal one, and anything I can ever do for you, I will certainly try because I know you would never ask for anything that was not accurate or right. So I wish you Godspeed, and know there are a lot of us who really, really hate to see you go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to associate myself with the remarks of Senator CORNYN and Senator HATCH. Both of them have spoken eloquently and correctly about the absolutely unique and exceptional contributions JON KYL has made to America and to the U.S. Senate.

There is no Senator I have admired more, no Senator I look to more to decide how to cast my vote, and I mean that absolutely as a fact. The words they have used I am not so eloquent as to say, but they do not overstate the value of my friend JON KYL.

His statement that we just heard is a comprehensive analysis, overview of the current situation of this great Republic of which we are a part. He meant every word of it. One of the most remarkable things about it is that on every vote, every time an issue came up, those are the values he sought to advance. And sometimes you have to take a step back to gain two steps forward, but Senator KYL always had a vision for what America should be. I believe it is the correct vision that we have inherited from our ancestors that has made this country so productive and so valuable. Everything he has done, every effort he has made has been to advance those good values—a great America, a decent America. And he has understood it.

When he talks about free enterprise, he explains why that is preferable to other forms of distribution of wealth. Would you rather have politicians distribute the wealth in this country? He can articulate that in a way that emphasizes the moral power of it, the need to have peace in the world, but how do you have it? Do you get peace through weakness or do you have peace through strength? And are the nuclear issues necessary to our posture as a strong nation in the world that is resistant and deters attack? Yes, they are. He understands those issues.

I serve on the Armed Services Committee. JON does not, but he knows more about that issue than I do. And I have found his leadership so valuable because it is a thankless task. People do not want to talk about it, but he has talked about it. He knows it is important, even though no one would give him credit politically for being engaged in those issues. But it is important for America, and he is willing to commit himself to that.

I will join with Senator HATCH and Senator CORNYN in my admiration for JON's service on the Judiciary Committee. That is an important committee, and he has been a rock-solid member of it. Even though he has been in the leadership, so therefore he did not chair the committee—which he would have been one of the great chairmen we would have ever had of that committee—but he has moved the committee and brought forth issues and advocated principles that are consistent with the great American rule of law.

Today we just got word that Robert Bork died. He had a classical view of how the Constitution should be interpreted and one I basically share for the most part. I think JON has. He understands those issues. He is able to communicate the great richness of the American heritage of law to the common people in language people can understand, but he is also capable of reading the most complex legal document and being able to spot problems with it and advocate changes in law that are sophisticated in the most technical details.

I guess I would have to say Senator HATCH is correct. This Senate, in my view, has never had a better lawyer than JON KYL. He has argued cases before the Supreme Court in his private practice days. Not many have been a part of that.

So whether we are talking about the crime victims advocacy efforts he has made over a long period of time here, recognizing that the law should be in existence to advance and protect innocent people against the wrongdoers, and that we ought not to become so obsessed with defendants' rights that we do not remember the victims who deserve vindication and remuneration for the crimes that have been put upon them.

There are other things I could say and other issues we have joined in, that we have fought on. On more than one occasion, JON has felt something was important. Sometimes those issues were not very popular, but he believed they were important and would rally people. I have joined with him. We have had some good battles. We have won a few, frankly, several I never thought we were going to win. But somehow, with his legislative skill, his determination, his feisty spirit, we stayed in there and bad things did not occur, at least from my perspective, that may have occurred otherwise.

It is a great pleasure to have served with JON. I consider him—I know the grammar is not perfect—our most invaluable Senator. So we are going to be losing someone of great national importance. I know he will be active. He has got a fabulous wife, Caryll. They have been partners for so many years. I enjoy watching them and how they interact as a family. He has the values that reflect the highest qualities of American life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am joining my colleagues in rising today to pay honor and respect to the service of JON KYL, a tribute to his passion for public service and his State of Arizona and his country in this Congress for 26 years. I echo all the sentiments and all the words that have been said by our colleagues. There are not enough adjectives to adequately describe the extraordinary service JON has provided to this country.

I have had the pleasure of serving alongside him in the House of Representatives, in the Senate—two times,

as some know. I served before and then was out for 12 years and then came back. In my many years of service here, it is hard to think of a person who has been more influential and been more of someone I wanted to emulate and to learn from and to look at as a wise counsel than JON KYL.

He has been described as an influential member of the Judiciary and Finance Committees. Yes, he has been an outspoken leader on issues of very significant importance to this country—significant issues including the landmark Crime Victims Rights Act, progrowth tax policies that we have been debating here, patient-centered health care reform, and antiterrorism laws, nuclear proliferation, safeguarding our nuclear stockpile. On and on it could go.

JON recently called me to his office and said, you know, there are 13 separate things here that have been the highest priority for me. Now not many Senators will tell you they have got 13 high-priority issues they not only are interested in but have drilled down in a unique, in-depth understanding of those particular issues. JON said: One thing I want to accomplish before I leave is to make sure someone will pick up the ball and take the baton and carry on those issues after I leave.

That is an extraordinary statement. First of all, the breadth and the depth of his engagement and his knowledge, which I do not think any one person here—it would take many—could begin to duplicate, but also the leadership that he has provided on issues of significant importance to the future of this country. JON was listed as one of the world's 100 most influential people—well-deserved recognition.

In Washington, he has been labeled as one of the 25 hardest working lawmakers. I cannot think of anybody who stands higher in that list than JON KYL. My mental image of JON KYL is JON striding through the Halls of Congress literally leaning into the wind. It is as if there is a 60-mile gale coming in his face, and JON is leaning into it with determination. I see his staff nodding their heads here. It has got to be hard to stay up with JON when he has his mind on something and he is determined to get something done. He is leaning in like a ship into a gale, moving forward to try to accomplish his mission.

We all say when someone leaves here, we are losing someone whom maybe we cannot replace. That may or may not be true. In my first iteration, when I gave my farewell speech, I think there were probably a lot of people who said: We can find a substitute for COATS; that will not be too hard. It is true. Finding a replacement for JON KYL is a tall task. It is going to be very hard to find someone who has the passion for this, his service, the intelligence and the knowledge of the issues he engages in, the leadership qualities he provides, the counsel he provides to all of us. JON KYL is the go-to guy. JON KYL is the person you go to to say: JON, how do we get this done? What should our strategy be? If you are on board, I think we can accomplish this. I know I am repeating a lot of what has been said already about JON and will be said by others here who will come down, but to find someone this grounded in his endeavors is hard to find.

JON is also grounded in his faith, his faith in God, his faith in America, his faith in his constituents, his faith in this institution, not a perfect institution, one which we are struggling in right now, but his faith that in the end we are here to do what is best for America. In the end, we will need to make hard decisions. JON has always been one leading that effort, always one willing to stand up to make those decisions.

I count him as a friend. Marsha and I wish you, JON, and Caryll, all the best in this next chapter of your life. I am comforted by the fact that you will not be more than a phone call away, and the fact that I am going to need wise counsel on a number of things; more than that, that we can retain a friendship which we have enjoyed in our service together on two separate occasions interrupted by 12 years. But I am looking forward to continuing to enjoy our time together. I want to wish you and Caryll not only our thanks, thanks from the people I represent and thanks from America for your service, but the very best wishes for both of you in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

AMENDMENT NO. 3371, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to return to Coburn amendment No. 3371.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. I ask unanimous consent that the amendment be modified with the changes I will now send to the desk.

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term ''State'' means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available. This prohibition shall not apply to funeral costs.

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

SEC. ___. RETURN OF UNUSED EMERGENCY FUNDS.

(a) RETURN OF FUNDS.—Any amount made available by this Act to carry out a program that is designated as an emergency and 2 years after the date of enactment of this Act remains available for obligation or has been obligated but not yet spent shall be rescinded and returned to the Treasury to reduce the deficit.

(b) PROGRAM TERMINATION.—Notwithstanding any other provision of this Act, any new program authorized and funded by this Act is terminated 2 years after the date of enactment of this Act.

(c) MATCH SUNSET.—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue of the use of the contract.

Strike section 1003 and insert the following:

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 and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling $500,000 or more.

In title IV, under the heading ''CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' strike ''*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:'' and insert ''*Provided further*, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):''.

SEC. _____. Section 406(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)(1)) is amended—

(1) in the paragraph heading, by striking ''MINIMUM''; and

(2) by striking ''not less than'' and inserting ''not more than 75 percent''.

On page 16, strike lines 17 through 20 and insert ''*Provided*''.

On page 24, line 21, strike the period and insert the following: ''; *Provided further*, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.''.

Mr. COBURN. Mr. President, I would like to talk about per capita damage indicators and initiating a rule process update.

The State of Oklahoma, in the last 7 years, has had more declarations of disaster named than any other State in the country. The standard used to be if we had a disaster that overwhelmed the ability of the State to handle it. We have gotten away from that, and this hasn't been updated since 1986. Under the Stafford Act of 1988, the whole purpose of our emergency response was for us to step in and provide assistance when State and local capabilities were overwhelmed. It is clear in New York and New Jersey and in communities that were affected by this latest storm that State and local capabilities were overwhelmed. It is clearly an appropriate time for the Federal Government, through the Federal Emergency Management Agency, to step in and provide assistance.

Unfortunately, FEMA has been declaring an increasing number of disasters over the past two decades, including for many storms and many events where State and local capacities weren't overwhelmed. Let me make that statement again.

Many of the disasters that have been declared were declared when State and local capabilities were not overwhelmed at all. So here we are, sitting with this tremendous debt, sitting with tremendous deficits, and we are now applying a lower standard than what we should, in my mind. It is not just my opinion; the GAO has actually so decided. We have a GAO report that says this ought to be modified.

If we go back in history and look at the Reagan administration, on average they declared 28 events each year in the 1980s. Under the current administration, we are averaging 140 disaster declarations a year. My State, as I said, has had the most FEMA disaster declarations—25 in total.

So what I am offering isn't necessarily going to be beneficial for my State, but it makes great common sense for our country because if, in fact, they update the per capita effect, some of those declared disasters in Oklahoma probably would not now be declared disasters.

Let me give an example. In 2011, we felt a little tremble in Washington from an earthquake. A disaster declaration was declared for Virginia after the earthquake that was felt in the Capitol. But this wasn't a disaster that overwhelmed local capabilities. It didn't overwhelm the capabilities of the regional capital area, and it didn't overwhelm the capabilities of Virginia. Yet we transferred what were truly responsibilities of the State and local communities to the Federal Government.

So this per capita damage indicator ends up becoming very problematic for two reasons: First, it was established in 1986 and FEMA has failed to update it; and, second, simply using a per capita damage indicator is an unfair way to assess whether a disaster has occurred.

Let me explain why. Suppose you have a small populated State versus a large populated State where you have a large concentration of people in an area. You would not ever attain it if you have a large population, whereas if you have a small population, you will, with the exact same event. So my question is, Should Oklahoma benefit on a per capita basis from the same event happening in Oklahoma as happens in Los Angeles, where we get declared an emergency and Los Angeles doesn't? That is what has happened, since we have not updated this per capita damage indicator. It is unfair for the larger, more populous States that we do it this way.

So all we are saying is we should take the GAO report and follow some of the recommendations. And what are those recommendations? FEMA should review the per capita damage indicator and initiate a rulemaking to modernize it. It would require the FEMA Administrator to update the per capita damage indicator for all the years since 1996 by no later than January 1, 2016. So we are going to give them over 3 years to update it.

Second, the amendment requires the FEMA Administrator to report to Congress on better and fairer ways to assess States' preparedness and capabilities to respond to a disaster.

Finally, I would say this is a reasonable approach based on what GAO's analysis and recommendations were, which is to encourage FEMA to update its process for how it declares disasters so that we can preserve and focus more aid for disasters such as Sandy, which is in front of us right now.

It is my belief that although this may divide some in this Chamber, this is a smart thing for us to do for the country. It is a fair thing for us to do for every State—to treat them all the same instead of advantaging the smaller States, such as my State, and giving a disadvantage to the larger States.

I would be happy to work with the chairman to modify this in a way that would meet with his approval, but it is something that is sorely lacking. It is something that is causing us to intercede at times we shouldn't be and causing us to not intercede at times we should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that the Senators from Alaska, New Hampshire, Rhode Island, and Massachusetts be permitted to proceed in a colloquy for a period of about 15 minutes, with the understanding that at the end of it we will enter into a quorum call.

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

FISHERIES

Mr. KERRY. Mr. President, I begin by saying very quickly there is an amendment that has been brought forward to try to strike from an emergency assistance bill critical aid, aid that is, frankly, less than it ought to be in order to deal with the crisis of the fisheries not of one State but of the entire New England region and of other regions of the country—the Pacific, also, and other parts of the country that have been hit.

The fact is that in Massachusetts we have 77,000 jobs, a billion-dollar industry that is a part of our culture and a part of our history. Fishing is vital to our State. We have local fishermen, we have commercial fishermen, we have a sports fishing industry, and it is a vital part of the commerce of our State and of the entire history of our Nation.

We have been hit in the last years by record levels of reduction in our fish stocks, and we have also been hit by Federal regulations that are trying desperately to hold on to those fish stocks for the long term and for the future, which have, regrettably, reduced our fishing effort in certain fisheries by 50 to 80 percent.

We have fishermen who have their boats—just like a home—mortgaged. Their homes, their families are entirely dependent on their ability to bring in revenue, but because of the regulations they are prevented from going out and doing that because of the reduction in the stock which is a God-given effect of nature—just like a drought in the Western part of our country, just like a flood which we respond to, just like a fire, just like a storm.

Our fishermen are the farmers of the ocean, and they provide an unbelievable amount of food to the people of our country. We want to preserve that. If they are not going to fish for a few years, we want to know they can come back and fish sometime in the future, and that is what they want to do.

Just as we have tide people over in the past in our country—just as in Katrina we went and helped people and small businesses that had been wiped out temporarily to be able to come back—our fishing people deserve emergency assistance to tide them over and help them through this most critical time.

I would turn to the Senator from New Hampshire and the Senator from Alaska and I ask the Senator from New Hampshire what this means to the State of New Hampshire, if she might share with us.

Mrs. SHAHEEN. My friend from Massachusetts understands the challenges we have in New Hampshire, as does Senator WHITEHOUSE from Rhode Island because, in fact, fishing is one of the oldest industries we have in New England. In New Hampshire, it dates back over 400 years. Because we have a much smaller coastline than Massachusetts and Rhode Island, we have a smaller group of people who earn their living through fishing. They have smaller boats, and therefore they are more affected by some of the fishing regulations and some of the adverse weather conditions that have affected fishing.

About 90 percent of the fishing New Hampshire's fishermen do is for cod, and cod is the species that has been most affected by declining fish stocks. It is a huge issue for our small remaining fishing industry. The fact that there is funding to help them in this bill is absolutely critical because without this funding we are going to lose that industry in New Hampshire. We have 5,000 jobs affected here, $106 million in income to the State of New Hampshire.

I think it is important to point out that this is a bipartisan effort. Last week we had a letter with 13 of our colleagues, including Senators WICKER, MURKOWSKI, COLLINS, SNOWE, and BROWN, urging the committee to include this funding in the bill. It is there now. I certainly hope we are going to see bipartisan support for keeping this funding in the bill.

Let me just turn——

Mr. KERRY. Mr. President, before my colleague does, if I could ask the Senator from New Hampshire—I ask unanimous consent that the Senator from Maryland be able to join us in this colloquy and extend it for about 10 minutes.

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

Mr. KERRY. I know the Senator from New Hampshire wanted to turn to the Senator from Alaska?

Mrs. SHAHEEN. We are from New England. Senator MIKULSKI is further south on the east coast. But this is a bicoastal problem because, as I know Senator BEGICH will tell us, it is a huge issue for people in Alaska and for those on the west coast. They have the same problem.

Mr. BEGICH. I will tell you, in Alaska it is even magnified in a lot of ways. If you think of this country, three-quarters of the coastline is Alaska. Fishermen have been fishing there commercially not just for a few hundred years but for 10,000 years of survival on our oceans.

When you think of the value in 76,000 jobs in Alaska directly and indirectly connected to the fishing industry, it is over $5 billion. It doesn't matter in a commercial fishery—if you are in McDonald's having a fish sandwich, the odds are that it comes from our fisheries. If you sit in the fanciest restaurants anywhere in the world, the odds are that some of our fish is there.

As Senator SHAHEEN said, this is a bipartisan issue. The disasters that are declared for fisheries in this bill have been declared disasters. It is not some pie in the sky, some pork, or we sit around and say: Let's get some money for every State. These are actually declared disasters by the States and our Federal Government that need to be funded.

In our situation, it is even more dire—not just the economic impact I just laid out, but an elder told me one time that in urban cities, you walk out the door and you go down the street to Safeway for your food. In rural Alaska, you open your door, and what is in front of you? The nature they see is the grocery store.

So when they have—in our case, the YK Delta, the Yukon-Kuskokwim Delta in the western part of Alaska, had a devastating king salmon fishery loss in terms of the quantity of the fish. So when that fish is not able to be harvested, to be put into the storehouses for the winter, then the limited cash that they have, in an area where fuel cost to heat their home is $8, $9, $12 a gallon, now has to go to not only heating that they have already set that cash aside for, now they have to get food shipped in. So their limited cash is now split between heating their home and putting food on the table.

Let me tell you, in Fairbanks, AK, which is urban, outside it was 40 below yesterday. So heating your home is not like just turning on your heater when you come home from work. It is a whole different ball game.

But most importantly, they live off the land. It is not some hobby they do on the weekend. It is not a sports event. They harvest the food. The Senator from Massachusetts said it best—we harvest the ocean. We are no different from any farmer in the Midwest or anywhere else. So when the YK Delta loses its king salmon, a critical piece of their food supply, it is real. It is not about: We will go fishing next year. This is about: Do we have enough food on the table?

When I hear people on the other side and others who say this is a bunch of pork and a bunch of this and that, they need to come to Alaska. I would enjoy them coming right now in the winter at 40 below and seeing what people have to do.

To me, this is such a small amount to make such an impact not only to us but to all the coastal States that are

suffering with this situation in our fishing industry.

Mr. KERRY. Mr. President, I ask the Senator from Maryland, if I can—I know the Senator from Rhode Island wants to join in here, but the Senator from Alaska made a really important point that I think the Senator from Maryland can speak to very specifically; that is, this is not some amount of money that got pulled out of the sky and was put in in the dead of night behind a closed door as some kind of backdoor deal. This has been thoroughly vetted through the Commerce Department, through the fisheries, through the committees, through all of the regulators, through the White House. The White House has signed off on this. This is a designated emergency. It has gone through the requests of the Governors. The Governors have had to submit their data. It has all been through the process.

I would ask the Senator from Maryland because she is responsible on the Appropriations Committee for making these judgments—there is not a Senator here who would not agree that she does that with rigor and with standards—I ask her what the meaning is, No. 1, to the State of Maryland, which has a fishing industry, and, No. 2, to the legitimate process of the Senate?

Ms. MIKULSKI. I thank the Senators from New England, and I am happy to answer the question and join here with my fellow coastal Senators.

First, I would like to respond in my official responsibility in the Senate, which is to chair the Subcommittee on Commerce, Justice, Science. It is in that subcommittee that the NOAA—the National Oceanic and Atmospheric Agency—is funded. It is there that the fisheries money is spent. Any fishery disaster, in order to qualify for Federal assistance, must be certified by the Secretary of Commerce. Every single fisheries disaster in this bill has been certified by the Secretary of Commerce to meet compelling human need, economic necessity, and be within the criteria established by law.

The Senator from Oklahoma, well-intentioned, is asking us to violate the law. He wants to make fisheries disasters under the Stafford Act. The Stafford Act, named after the Senator from New Hampshire—a wonderful Republican—was for FEMA. If you think you have a FEMA disaster, you go to the Governor. There has to be data collected. It has to go to the President. If you think you have a fishery disaster—which we coastal Senators experience these days all too often—it has to go through the Secretary of Commerce.

I assure those of you on the floor, all those Senators, all taxpayers listening, that every one of these fisheries disasters has been certified, has been vetted to really say that in each and every State where we respond, it meets this criterion.

As to the money in the bill, in a $60 billion bill, this is $150 million. Listen to the jobs, listen to the economy, listen to people who go out in really cold weather and put their hands in that icy water, and they all risk their lives.

Everybody wants to go see the movie ''Triple Storm.'' We can't have a triple storm here in the Senate, which is this amendment, rejection of the urgent supplemental, and the inertia of the Senate.

I say to my colleagues, your words are well-spoken in defense of your State, but you are also exactly following the law.

I urge the Senator from Oklahoma to withdraw his amendment because it would make it out of compliance.

I say to each and every one of you as a fellow coastal Senator, I know our fishing industries—you call them fishermen, we call them watermen—whether it is oysters, crab, or rockfish, it is part of our economy and it is part of our identity. They asked for help.

I will oppose the amendment of the Senator from Oklahoma. I actually would ask him to withdraw it because it is not a matter of debating policy, how to be a smarter and more frugal government, it is actually in violation of the current law.

I thank Senators for standing up for their own communities, and I hope this clarifies this bizarre situation.

Mrs. SHAHEEN. Will the Senator from Maryland yield for a minute?

Ms. MIKULSKI. I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Isn't it true that since 1994, Federal fishery failures have been declared on 29 different occasions and that nearly $827 million in Federal funding has been appropriated for fishery disaster relief?

Ms. MIKULSKI. Yes, the Senator is exactly right. And it happened under both Democratic and Republican Senates. So this has been declared under President Bill Clinton, and we worked with his Secretaries of Commerce. This was done under George Bush, and Secretary Gutierrez, himself from a coastal State of Florida—we worked very well together because the appropriators and the Governors and the economy people have to work together with Senators.

The answer is yes. Again, you cannot get fisheries disaster assistance unless it has been certified by the Secretary of Commerce in compliance with the criteria in current law.

Mr. KERRY. Mr. President, could I just take 30 seconds, if I may?

Mr. WHITEHOUSE. Sure.

Mr. KERRY. I want to make it clear to my colleagues as we engage in this colloquy—I asked at the beginning of it if one of my staff folks would go check out some figures for me, and I just got them. I hope the Senator from Oklahoma is listening to this because from just 2004 to 2011—7 years—the Federal Emergency Management Agency region 6, which includes Texas, Oklahoma, Arkansas, Louisiana, and New Mexico—that is 5 States—received 68 disaster declarations and almost $40 billion in disaster assistance. For five States, $40 billion. We have more than five States—many more here—asking for $150 million, as the Senator from Maryland has pointed out.

The distinction is so clear. I just say point-blank that this legislation is not going to pass without the inclusion of this fishery money—point-blank and period. I think the Senator from Rhode Island would agree with me.

Mr. WHITEHOUSE. I would be delighted to agree with the Senator from Massachusetts. On Rhode Island's behalf, our fisheries disaster, as the distinguished Senator from Maryland said, was declared by the Secretary of Commerce. This is not a maybe. This is not trying to sneak something in. This is a declaration of the U.S. Government. It was the New England multispecies groundfish fishery disaster that affected the State of Massachusetts. There was great leadership from Senator KERRY on all of this, as it affected the State of New Hampshire, and great leadership from Senator SHAHEEN on all of this.

Governors of Rhode Island, Massachusetts, Maine, New Hampshire, New York, and Connecticut all signed the request for that disaster declaration.

In Rhode Island's letter our congressional delegation—myself and my senior Senator, Mr. REED, Congressman CICILLINE, and Congressman LANGEVIN—wrote:

> In addition to the direct impact on groundfish catch limits, there will likely be indirect impacts on other fisheries that these same permit holders, and many other Rhode Island fisherman, also rely on.

To the point Senator BEGICH of Alaska made, economic disaster in the fishing industry cascades through the rest of our economy.

Ms. MIKULSKI. Yes.

Mr. WHITEHOUSE. It is not just the fishermen coming home with empty nets because the cod moved offshore, it is the fuel suppliers to their boats, the engine repair shops that take care of the mechanics, the net repair and construction groups. So a whole economy stands on this. It is really inconceivable that a Senator from a State that has, as one of a group of five, soaked up $40 billion of disaster assistance would now begrudge us $150 million after this disaster was declared.

This is bipartisan. Let me ask unanimous consent to have printed in the RECORD the letter Senator SHAHEEN mentioned earlier as an exhibit for the end of the colloquy.

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

(See Exhibit 1.)

Mr. WHITEHOUSE. It is signed by 35 Republicans and 9 Democrats. It could not be more bipartisan. We are trying to deal with a real problem here, and it is a recurring problem.

Our historic New England ground fiduciary is facing significant cuts in our catch limits because our populations are not rebounding the way that scientists anticipated they would. Something out there is causing this failure

to rebound and unprecedented environmental changes very related to the environmental changes that whip up giant storms like Sandy are at the heart of this.

One last quote, and then I will yield back to my colleagues who are engaged in this colloquy. Where we are is a big body of water called the Northeast Shelf Large Marine Ecosystem which is tracked by NOAA, and it extends from the Gulf of Maine all the way down to Cape Hatteras on our Atlantic coast.

Here is what NOAA reports:

During the first six months of 2012, sea surface temperatures in the Northeast Shelf Large Marine Ecosystem were the highest ever recorded . . . above-average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region.

There is a real physical rationale and reason for the disaster that we are seeking a remedy for in our home State industries that are being so grievously stricken.

Ms. MIKULSKI. Mr. President, may I draw the distinction between a fishery disaster and an earmark? Because there is an undercurrent here from the amendment of the Senator from Oklahoma, who has said on many occasions that he has been the defendant of the taxpayer. Well, so am I. The difference between an earmark is a congressionally designated project that meets the criteria that Senator deems appropriate to help his State. That is not what this is. When he says it has to be certified by the Stafford Act, he is implying that these are uncertified, unneeded, unwarranted, and are earmarks. Once again I will say that these are certified by the Secretary of Commerce. They meet the criteria for compelling economic and human need as required by law. This is not an earmark, it is certified disaster assistance.

Let's get rid of this phony-baloney nonsense that somehow or another that would undermine this bill of $150 million that could restore livelihoods for people who are willing to work out there and risk their lives to feed America.

Mr. KERRY. Mr. President, it is my understanding that our time is just about up.

The PRESIDING OFFICER. Correct.

Mr. KERRY. Mr. President, I ask unanimous consent for 5 minutes under the colloquy.

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

Mr. KERRY. I will take 1 minute of it. I thank the Senator from Maryland for that important distinction.

I want to say to the Senator from Oklahoma—and the other Senator from Oklahoma—that I think all of us have enormous respect for him and for his intelligence and the way in which he seeks to protect taxpayers and cut pork and get rid of earmarks. We all respect that. There are legitimate moments when it is appropriate to do that.

I think the Senator may have either not known or not been aware of all the details that have been laid out here, and I would plead with him to take a look at the legitimacy of the law, the way in which this has been set up, and hopefully withdraw his amendment.

Also, to all of our colleagues, I know we are struggling with the fiscal cliff and it is the holiday time. There are a lot of people hurting in America. In the wake of what happened in Newtown, CT—a moment that sort of stops our country cold—where we all have to stop and think about what is and is not important and what our responsibilities are, it is hard for me to grapple onto the notion that in a moment there could be a change in attitude where people could begin to perhaps find a constructive way to work together. There are so many people in so many places who are living by the law. They are dependent on this profession and want to stand up and return to it because it is part of their lifetime and will not get help on a Federal basis the way we have helped people throughout our history.

I call on our colleagues to think hard about that as we think about this amendment.

I yield to the Senator from New Hampshire.

Mr. INHOFE. Mr. President, I yield for a point of inquiry. It was my understanding that under the unanimous consent that I would get the floor. I don't mind waiting for the time that they have requested, but I want to make sure I do get recognized after the conclusion of this for such time as I shall consume under morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, I think the way we operate is that we need to have a time agreement, and we also have to have an agreement that at the conclusion of the Senator's remarks, we will go back into a quorum call.

Mr. INHOFE. Yes, I certainly agree to that. Keep in mind I have already asked for unanimous consent not to proceed for more than 20 minutes.

Mr. KERRY. Not to exceed for 20 minutes with the understanding that the quorum call will go into effect at the end of the remarks.

The PRESIDING OFFICER. Hearing no objection, so ordered.

Mr. KERRY. We reserve our time, and I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I will be brief because my friend from Massachusetts was eloquent in talking about the livelihood of people in our fishing industry who have been affected by the disaster, and as a result there have been low species and low catch numbers because of regulations in an effort to bring back those fish.

I hope if we can support these disaster funds that as the Department of Commerce is allocating this funding, that they will do it with a collaborative process that invites fishermen and fishing businesses to have a say in that process. Given that their livelihoods have been affected, I think it is important for them to be part of the process of how this funding is given out.

Mr. BEGICH. Let me conclude with my comments to say I agree especially with the latter part regarding how to engage people on what these resources will be. I want to commend the chairman of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark. This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation—has an important role here.

This takes nothing away from Superstorm Sandy. We recognize—all of us on this floor—how devastating that was, but this was also a disaster of a different making. As a matter of fact, at the request of Senator KERRY—and as the chair of the Subcommittee on Oceans and Fisheries—I listened to the fishermen there about the many species that are devastated and the quotas they are facing.

This is not only critical to be done now, it is also that the amount of money is so small and the impact is significant when we think about the thousands of jobs that will be affected by this.

In my State it is truly about food and survival for the Alaskan Native community in the winter months with temperatures that are not zero or 10 above but 40 below.

I implore my colleagues on the other side to support this bipartisan effort and reject the amendment by Senator COBURN.

Again, I thank all of my colleagues for coming down here. This just shows one of the roles that we have as a legislative body. When disasters are declared, we unify, no matter where we live, to figure out how to make sure the people of this country are taken care of.

I yield the floor.

Mr. WHITEHOUSE. I will close the colloquy by thanking Senator MIKULSKI for her leadership, support, and her key role on the Appropriations Committee. I want to thank Senator KERRY of Massachusetts for his leadership on the original disaster declarations that brought us to this point. I want to thank Senator SHAHEEN of New Hampshire for pulling this colloquy together. Thank you to Senator BEGICH for his advocacy on that other coast.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 11, 2012.

Hon. BARBARA A. MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science, & Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN MIKULSKI AND RANKING MEMBER HUTCHISON: We are writing in support of including federal fisheries disaster funding in any emergency supplemental appropriations bill developed in response to Superstorm Sandy. Over the past year, extreme weather and other natural events have wreaked havoc on commercial and recreational fishermen in our states, leading the Secretary of Commerce to declare federal fisheries disasters. Despite these declarations and the ongoing hardship, Congress has not yet appropriated funds.

As you know, the Secretary of Commerce is authorized to declare federal fisheries disasters under Section 308(d) of the Interjurisdictional Fisheries Act and Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act. These designations allow Congress to appropriate federal relief funds to alleviate the harm caused by natural disasters to fisheries and the fishing industry. The disaster assistance funds can be used to repair or restore fishing equipment and infrastructure, compensate for losses, restore fisheries habitat, support workforce education, provide low-interest loans, and conduct monitoring and cooperative research focused on improving stock assessments.

Currently, federal fisheries disasters have been declared in nine states in response to four different events:

Superstorm Sandy—On November 16, 2012, a federal fisheries disaster was declared for New Jersey and New York due to the damage caused by Superstorm Sandy. The high winds and storm surge devastated marinas, destroyed fishing vessels, and resulted in severe economic losses for both commercial and recreational fishermen.

Northeast Multispecies (Groundfish) Fishery—On September 13, 2012, a federal fisheries disaster was declared for Rhode Island, Maine, Massachusetts, New Hampshire, New York, and Connecticut. The projected reductions in the total allowable catch for certain critical groundfish stocks will have a significant impact on many of the same coastal communities that were hit by Sandy. Despite strict adherence to new and rigorous management practices by fishermen, key fish stocks have not returned. Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies.

Alaska Chinook—On September 12, 2012, a federal fisheries disaster was declared for Alaska Chinook salmon fisheries in the Yukon River, Kuskokwim River, and Cook Inlet. Thousands of Alaskans have been impacted including commercial fishermen, sport fishermen, and subsistence-based residents. Beyond direct impacts, indirect impacts have been felt by communities through reduced tax revenue, reduced work for processor employees, and reduced income for fishery dependent businesses.

Mississippi Oyster and Blue Crab—On September 12, 2012, a federal fisheries disaster was declared for commercial oyster and blue crab fisheries in Mississippi. Historic flooding of the lower Mississippi River required opening of the Bonnet Cane Spillway on May 9, 2011. This action released substantial amounts of freshwater into the Mississippi Sound, impacting the entire ecosystem. Mississippi's oyster and blue crab fisheries were extensively damaged, resulting in severe economic hardship for commercial fishermen still recovering from the devastating impacts of Hurricane Katrina and the BP oil spill.

Fishing is an integral part of our states' economies and cultures. These disasters have devastated fishing families and coastal communities and there is an urgent need to provide federal assistance. We urge you to move swiftly to appropriate funds for these federal fisheries disaster declarations.

Sincerely,
FRANK R. LAUTENBERG,
SUSANM. COLLINS,
ROBERT MENENDEZ,
LISA MURKOWSKI,
JACK REED,
ROGER F. WICKER,
CHARLES E. SCHUMER,
JOHN F. KERRY,
MARK BEGICH,
KIRSTEN E. GILLIBRAND,
SCOTT BROWN,
JEANE SHAHEEN,
SHELDON WHITEHOUSE,
OLYMPIA J. SNOWE.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to expand my remarks from my original intent because of what I have been listening to on the floor. I really reserved this time to talk about two very significant things that happened.

In fact, 53 years ago in 1959—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmastime. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down the hall in the House—that they don't want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don't know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

What we have been talking about here in the last few minutes during the colloquy that I came in and caught the last part of is this Sandy issue. This is always interesting. When a disaster occurs in America and emotions are high, everybody all of a sudden wants to pour money on it, and in this case it will be $60.4 billion. How did they come up with $60.4 billion? I don't know because I wasn't in on that.

I come from Oklahoma. We have disasters all the time. We have our tornadoes that are very serious, and of course we take care of the problems when they come up. We do get some Federal help, but nonetheless we analyze what the damages are and what was caused by the particular disaster. We don't just use that to open the door and have something in there for everybody, and that is what is happening now. They are asking for $60 billion, and there is something for everyone in it. That is what we are talking about today.

Again, we should not be talking about it right before Christmas and use this as an excuse to take this right up to Christmas. Right now we don't have time to get all the way through this and analyze the actual losses that were attributed to Sandy. It was a disaster, and I understand that. People lost their lives and their property. Nonetheless, we don't know, and we are guessing right now.

Some say: Well, how about $60.4 billion? That sounds good. It could be $70 billion, it could be $80 billion, or it could be $30 billion. The Heritage Foundation did an analysis of the damages of Sandy. We talked about the $60.4 billion, which is the amount directly attributed to Sandy. We should get the study before it is criticized. The Heritage Foundation did the study, and it is actually $12.8 billion. That represents the amount that individuals lost as a direct result of this disaster called Sandy that tragically hit our east coast.

Now what about the other $47.6 billion? As an example, they have $28 billion in there for future disasters. Oh, wait a minute. We are supposed to be addressing a disaster that just occurred. The $28 billion is for future disasters. Here is a good one. There is 3.5 for global warming. They always have to get global warming in there. That is kind of interesting because we actually had several debates and several pieces of legislation called cap-and-trade. We took it up before this body and we defeated it. I am talking about going back 12 years ago. The last one was the House bill, and that was called Waxman-Markey. It was defeated because people realized that cap-and-trade would be the largest tax increase in the history of America, somewhere between $300 and $400 billion a year. That equates to about $3,000 for each family in my State of Oklahoma who files a Federal income tax return. So people realize that is true. Yet at the same time, the Administrator, appointed by President Obama, Lisa Jackson, when asked the question, If you were to pass any bill here for cap and trade in Oklahoma, would this reduce CO_2 worldwide, said: No. That is because the problem is not here; the problem is in countries such as China, India, Mexico, and other places.

Nonetheless, how many people in this body even know what this President has done through his executive powers? He has spent $68.4 billion on global warming initiatives in the 4 years he has been President and that is without any authority from this body.

Here is another one: $150 million. I was listening to my good friend Senator BEGICH from Alaska—and I have a great deal of respect for him. He and I have worked on legislation together such as the pilots' bill of rights legislation. Nonetheless, fisheries in Alaska were significant, but they were not on the east coast. This didn't happen—the last time I looked at a map, it was on the west coast, not the east coast, so it should not be in here.

Then we go on to the fiscal cliff. We are all here talking about this fiscal cliff that is here and all of a sudden we have to do something about it. How many people realize that we knew this was coming a long time ago? I mentioned my bill, which is S. 3473, that showed we don't have to raise $1.4 trillion, we can raise $2.7 trillion without any cuts to the military, and it is all right there. Look it up: S. 3473. Now, months later, right before Christmas, we come here and say, Oh, trauma has set in; it is going to be a disaster, so we have to come up with $1.4 trillion.

How many people realize that this President—and this is not the Democrats, not the Republicans, not the House, not the Senate—it was the President of the United States, in his budget—there were four budgets he had in his 4 years. He had over $1 trillion of deficit in each budget. If we add up all of his deficits—this is what the President gave us now. Again, it was not the Democrats or Republicans, House or Senate; this was his budget that he drafted and signed, with $5.3 trillion of deficit in it—that is more deficit than all budgets of all Presidents combined since George Washington—and nobody cares. We say this and people shake their heads and they don't seem to care. He said it so it must be all right.

So now after this President has given us $5.3 trillion of deficit, now all of a sudden—he did that in 4 years, but in 10 years we can't even come up with $1.4 trillion. It is easy. We could do it. I did it in a bill introduced several months ago. We knew it was coming, but Christmas is coming too so we are all lined up to grandstand—I don't mean grandstand; that sounds demeaning. I don't mean it that way.

When we think about the money this President has spent—what about the $800 billion stimulus that didn't stimulate? How many people in America—how many Members of this body—know what that $800 billion was spent for? I suggest not very many. I do, because I made a point to look. There are things that it did not stimulate. Only 3 percent of it went to roads and highways and that type of thing. But, again, he came up with in one fell swoop $800 billion, and now we wonder—that was in the first couple of months and now in 10 years, how can we come up with this much more? So, anyway, I just wanted to say that.

While we are talking about the budget, I think it is appropriate to say something else about it, because it was in the budget that was part of disarming America. I can remember going over to Afghanistan after the President's first budget because I knew he was cutting the military and I knew if I were over there responding with the tanks going back and forth that it would get people's attention, and it did. In that first budget he did away with the only fifth-generation fighter, the F–22; he did away with our lift capacity, the C–17; did away with our future combat system, did away with the ground-based interceptor in Poland; all of these things in one budget. That is what took place.

JON KYL is retiring, and I noticed that when he made his going-away speech today he talked about the disasters we are facing right now. We are talking here about weather disasters. What about nuclear disasters? What about the fact that we had the New START Treaty, which I opposed, but nonetheless, that put levels on both Russia and ourselves. In terms of our nuclear stockpile, which was supposed to go down equally to 1,550 warheads, it is now down, and they are talking about doing away with them altogether. It is another subject for another time, but I will spend some time talking about it later.

Anyway, as we started, I mentioned two significant things happened in 1959. One was—and we are all revering now Danny Inouye. Senator Inouye is different than most other Senators. I remember when my daughter Katie was much younger and she said, My two favorite U.S. Senators—I thought I was going to be one of them—my two favorite ones are Senator Inouye and Senator Jesse Helms. They are such kind, older guys. She wanted to know if they ever got angry at anything. No, they didn't. As a conservative Republican I have gone to him many times for favors, really, to ask if we could get something done, and he never turned me down during that time. I had a long visit yesterday with his son and told him what we feel about Danny Inouye and how much we are going to miss him. So that happened in 1959. That was when he was first elected to the U.S. Senate.

The other thing that is significant that happened in 1959, 53 years ago today, is I was married. So this is my 53rd wedding anniversary, and it happened we were married in 1959. In fact, she is watching now. She hardly ever does, but I called and said watch because I can't be there for our anniversary so I have to do it this way, and so she is. Today is only the second time in 53 years that we haven't been together on our anniversary.

But I would ask the question: Who will be there today? That is who will be there today, our 20 kids and grandkids. Look at them all. Isn't that neat? Yes, they are going to be there, but I am not, but she won't be alone. Isn't that significant? All of that happened and it started with just us, right there, and there they are. A person might look and see that one little girl is a little bit different than the rest of them. That is the little girl right here. We call her Zegita Marie. There she is. We found her 12 years ago, only 2 days old. She was a cute little girl and she was just near death in an orphanage in Ethiopia and we went back there and got her nursed back to health. My daughter Molly, who had nothing but boys, adopted her.

I want to say to my wife who is listening right now, even though I won't be home, 3 days from now on the 22nd—that is Saturday—I want you to watch the ''Mike Huckabee Show'' because she is going to be interviewed and talking about adoption.

Senator LANDRIEU and I head the adoption caucus in the U.S. Senate. There are hundreds of thousands of little kids out there and people who want to adopt little kids, and they can't do it because of the problems. This little girl wouldn't even be alive today and here she is now, 11½, almost 12 years old, reading at college level and doing wonderful things. So, Kay, be sure to tune in to Mike Huckabee and watch her being interviewed 3 days from now.

The last thing I will say is that this is bad enough not to be home during our anniversary, but it is also bad as we get closer to Christmas. If you can only see the celebration that is going on right now, all those kids. They are all there and they are participating.

I remember what happened in the year 2009. In 2009, we played the same game here: You know, we were here doing a little theater, making sure everybody knew we were working, and we didn't get out until the afternoon, just about noon, on Christmas Eve. I remember that was the worst snowstorm in the history of northern Texas and of Oklahoma. Where is global warming when you need it? It was terrible. I got to DFW and I wanted to go on to Tulsa. I was in a hurry to get there because Kay and I belong to a church in Tulsa where we were married, all of our kids were married there, and my wife was even baptized there, and every Christmas Eve they have the most beautiful setting and three of my grandkids were going to be singing in that and I never missed it in 50 years. We got to Dallas; they weren't going to take off. I pleaded with them. They took off, the only plane that took off from DFW, and went to Tulsa that day. We went through 6-foot drifts, if my colleagues can believe it, to get down there to see my little grandkids singing. Well, that is not going to happen this time, because I will be back there.

I would say this to my wife. We have had kind of a tradition for 53 years now: I always get Kay roses. She loves roses. So I am not there today, but I want to say to Kay that if you will go out in our front yard now and look under the giant oak tree that you and I planted over 50 years ago, your roses are there.

Finally, I want to say two more things. One is I want to assure Kay that I love her more today than I did 50

years ago; and secondly, I am not Bing Crosby, but I am going to say—and all the people in Oklahoma understand this—there may be 99 Senators here playing their games on Christmas, but as Bing said, I'll be home for Christmas and you can be sure of that. You can count on it.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, Senator REED and I want to speak briefly, and unless the leader has arrived, we will return the Senate to a quorum call at the conclusion of the remarks by Senator REED and myself. And it is gratifying that the Senator from Pennsylvania is presiding.

Yesterday, I requested that the cloakroom hotline Senator CASEY's Children's Hospital Graduate Medical Education Support Reauthorization Act, S. 958, with an amendment important to Rhode Island and to the country regarding growing our mental health care pediatric workforce.

My amendment would make resources available to increase the number of residents trained in child and adolescent psychiatry. Senator CASEY's—the Presiding Officer's—bill and my amendment have the unanimous support of my caucus and I believe have very broad support in the Republican caucus as well. Unfortunately, there has been an objection to my unanimous consent request, so I am very disappointed that my colleagues on the other side of the aisle are not able to clear this particular bill. I am also disappointed that none of the Republicans who object to this measure have approached me or my staff with their concerns—none of them. If it is just one, then he or she has not. If it is more than one, none of them have.

I was prepared to come to the floor today and make a live unanimous consent request to find out exactly where the objections to this amendment lie. But, instead, I will urge my Republican colleagues to work with me and with Senator CASEY of Pennsylvania to reach consensus on this important measure.

The CHGME program should be reauthorized. Since its enactment in 1999, the program has helped address the need for more pediatric specialists. But there is a gap in the field of child and adolescent psychiatry.

The American Psychiatric Association concluded this year that ''targeted efforts must be made to encourage medical training and residency in the subspecialties of child and adolescent psychiatry. . . . ''

I gather my time is very brief, so I am going to yield to Senator REED very shortly, but I do want to thank Senator CASEY and Senator ISAKSON for their patience and their hard work.

The amendment I have proposed and Senator REED of Rhode Island has proposed is an amendment that does not add any additional spending. It stays within the existing budgetary limit. It confines the amount available for child and adolescent psychiatry to less than 1 percent of the total. I believe it is a very sensible measure, particularly in the wake of the tragedy in Newtown, CT. The idea that there is not room for further attention to child mental health and psychiatry and adolescent mental health and psychiatry seems to me to be an unfortunate outcome.

Bradley Hospital in Rhode Island would be a beneficiary of this. They are a particularly good hospital in a great number of settings.

As I said, I know time is short, so I will yield the remaining moments of our time to Senator REED.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to join Senator WHITEHOUSE in commending the Presiding Officer for his underlying legislation, along with Senator ISAKSON, and commend my colleague and friend, Senator WHITEHOUSE, for his leadership on this issue, and begin where he left off, which is, in the wake of the unfathomable tragedy in Newtown, CT, the idea that we do not need more trained child psychiatrists and child counselors is difficult to understand. We do need them.

The legislation the Senator from Pennsylvania has introduced would help children's hospitals across the Nation and we are strongly behind it. But we also want to make help available to children's psychiatric hospitals, such as Bradley Hospital in Rhode Island.

One of the facts that emerged from the terrible tragedy in Newtown is that we have young people who need help, desperately need help, and their parents need help—help to recognize problems, help to not only diagnose them but treat them, and we do not have a sufficient number of trained child psychiatrists in the country to do that.

This legislation, this amendment, would allow us to do that. It adds no cost, as Senator WHITEHOUSE indicated, and I think it should be something that we would do almost automatically when it comes to the welfare of our children, but particularly in the wake of the terrible tragedy in Connecticut.

So I wanted to be here to lend my support to the underlying efforts of the Senator from Pennsylvania and to the specific efforts of my colleague, the Senator from Rhode Island.

Mr. President, I ask unanimous consent that a statement by Dr. Gregory Fritz, who is the academic director of the residency program at Bradley Hospital, be printed in the RECORD.

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

PARITY FOR KIDS' MENTAL HEALTH

Despite the passage of the federal mental-health parity bill, stigma and prejudice are still alive and well when it comes to legislation affecting children's psychiatric hospitals. The latest example of how our government continues to maintain discriminatory funding policies specifically directed against children with mental-health issues involves federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children's psychiatric hospitals recognized as legitimate sites of medical education is one such obstacle on the road to real parity that has both symbolic and pragmatic importance.

The history of federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a complicated formula. One element for determining GME payments is the percentage of a hospital's reimbursement that comes from Medicare. That children's hospitals would thus be excluded from the program (because Medicare pays virtually zero for children's medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children's Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children's hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was removed and pediatric training accelerated dramatically. This year, a total of $317.5 million offsets the training expenses of 5,500 residents at 46 children's hospitals, and the CHGME program is widely considered a success.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children's hospital detailed in the CHGME regulations is language making it impossible for children's psychiatric hospitals to qualify. Only the most cynical observer would conclude that this was a deliberate attempt to exclude children's psychiatric hospitals and the child psychiatric and pediatric residents they train, especially since no medical specialty represents a greater shortage area than child and adolescent psychiatry. Yet, steady efforts since 2002 to correct this oversight have thus far been unsuccessful.

The CHGME reauthorization needed for the program to continue would seem to offer the ideal opportunity to end this de facto discrimination against children with mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Democrats, have offered similar versions of a brief amendment to the reauthorization that would correct the language to reflect the original bill's intent.

If passed, it would admit four or five children's psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,500). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the psychiatric hospitals that would finally be included, I'm far from dispassionate about this issue. I see every

day the agony experienced by families with autism, childhood suicide, adolescent substance abuse or pediatric bipolar disorder; it's different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I'm troubled by the months-long waiting lists that prevent children's access to child psychiatric services.

The distinction between psychological and physiological disorders is artificial and antiquated, reflecting outdated fears and prejudices. In short, I see no valid reason to perpetuate the exclusion of children's psychiatric hospitals from the mechanism designed to support physicians' training. Neither do the thousands of members of 39 national organizations who have signed on to a letter urging support of the Whitehouse amendment. Mental-health parity is the law in principle; the CHGME reauthorization should make it be the case in practice.

Mr. REED. Mr. President, I have a comment on an additional issue but would only do so if the Senator from Rhode Island would allow.

Mr. WHITEHOUSE. Mr. President, let me yield back to my senior Senator to move to his other issue. But let me also say what a pleasure and a privilege it has been to work with him in our shared determination to see that this amendment is made—this very reasonable amendment that will add no additional spending and will expand the reach of adolescent and child psychiatry in this country. He has been terrific to work with. It is always a pleasure and privilege to have Senator REED as my senior Senator, but this has been a particularly good occasion of working together.

With that, I yield back to my senior Senator.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to touch on a topic that was discussed by many of my colleagues, including Senator WHITEHOUSE; and that is the fisheries disaster in the Northeast, which was declared by the Secretary of Commerce in 2012. There is language and support in the supplemental appropriations bill to help our fishing industry in the Northeast that has been affected by this disaster in the areas of New York, Connecticut, and Rhode Island.

These fishermen have been for years under a painful regime of restricted fishing so that the stock could be replenished. Despite their efforts, some of the fishing stock has not responded, leading to a declaration of a fisheries disaster by the Secretary of Commerce.

The funding that is included in the supplemental applies to New England, but it also helps Alaska and Mississippi. I appreciate very much the fact that Senator MIKULSKI is working to include this funding in the bill. She is an extraordinary leader in our Senate, an extraordinary and compassionate leader when it comes to issues affecting the fishing industry, not just in her home area of the Chesapeake Bay and the Atlantic but as far away as Alaska and Rhode Island and Maine. I would hope we could move to help these fishermen get on with their lives with this assistance.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

REMEMBERING DANNY K. INOUYE

Mr. LEVIN. When 7-year-old Danny Inouye saw the Japanese planes over his Hawaii home on December 7, 1941, his first impulse was to help. So he ran to help. He had emergency medical training. He used that training to help bind the wounds of the Americans injured in the attack on Pearl Harbor.

His second impulse, just as strong, was to defend our country. But the America of 1941 did not want his service. In fact, it considered Danny and his fellow Japanese Americans suspect and called them enemy aliens and confined more than 100,000 of them to internment camps. When Danny Inouye tried to enlist to defend his country, his country told him: You are not welcome.

That Danny Inouye did not allow anger and resentment to overcome his love of country says something remarkable about him and about our country. When in 1943 President Roosevelt allowed Japanese Americans to enlist in the fight against Nazi Germany, Inouye and thousands of young men answered the call. He burned with desire to defend the Nation that had told him and people of his background: You may not serve; a nation that still held thousands of Japanese Americans behind barbed-wire fences.

When he left Hawaii for the Army, his father told him: This country has been good to us. Whatever you do, do not dishonor this country. Danny, on more than one occasion, told stories about his Army training in Mississippi, about the racial segregation he saw. He told the story of how after he returned from World War II he stopped in California on the way home to Hawaii to stop to get a haircut and was told: We don't serve Japs here.

He stood there in full dress uniform, his chest covered in medals, a hook in place of the arm blown apart by a German rifle grenade. Even then he had to confront hatred. There is so much that is remarkable about the life of Dan Inouye, the story of his service on the battlefields of Italy is indeed remarkable, physical courage he displayed in winning the Medal of Honor is alone enough to earn the title ''hero.''

But rising above his physical courage and the guts he showed is the moral courage it took for Dan Inouye and his fellow Japanese Americans to even set foot on that battlefield. What is it that spurs some of our countrymen to offer their lives in defense of a country that shuns them? Where does that love of country come from? How can we impart some of it to those who too often take this country for granted?

It would be a wonderful tribute to Dan Inouye to seek out ways to encourage such service by future generations. Dan Inouye's work did not end when he took off his soldier's uniform. In many ways, it was just beginning. Forced by the loss of his arm to give up dreams of a medical career, he entered politics. His was one of the most remarkable careers in public service our country has ever seen. We will miss Dan Inouye so much in the Senate, his leadership, his legislative talent, yes, but also his friendship, his humor, his humility, his steadfast belief in the American people. He was the last remaining Senator who voted for the Civil Rights Act of 1964. In that vote and so many others, he served the Nation and the Senate with distinction that few have ever matched.

In Michigan we proudly claim an early connection to this noble man. Much of his recovery from the wounds he suffered in Italy took place at a veteran's hospital in Battle Creek, MI. There he met two other young men, a soldier from Kansas named Bob Dole and one from Michigan named Phil Hart. They formed a lifelong bond, one that endured all the way to the Senate.

In 2003, when we dedicated that former hospital in Battle Creek, now a Federal office facility, as the Hart-Dole-Inouye Federal Center, Senator Inouye told the audience: All of us have chapters in our lives, milestones. My most important chapter, he said, was a Battle Creek chapter. This is where I learned what democracy was all about, where I learned what America was all about.

To have imparted any lessons on America to Dan Inouye would be a remarkable honor. What we may have taught him pales in comparison to what he taught us.

A few years ago, in a speech honoring his fellow Japanese-American veterans, Danny told his audience that our greatness as a nation lies in part in our willingness to recognize the flaws in our past, including our treatment of Japanese Americans and our determination in whatever limited way we could to make amends. Dan Inouye served his country because of his dream of what we could be: a nation unbound by our all too human failings.

He believed to his core that we are able to shed old prejudices. He believed that our Nation, despite its flaws, shines with such bright promise that we could inspire remarkable service and sacrifice, even in those who suffer from our shortcomings, a nation so great that those we treat with disdain or even hatred can respond with love that knows no limit. This love was as powerful as the love that Dan Inouye showed for all Americans and for the very idea of America.

I am so grateful for the lessons that Danny taught me, so grateful for his friendship. Barb and I send our deepest condolences to Irene and all of Danny's

family, to the people of Hawaii, and to all of those touched by this remarkable man.

Mr. REID. Mr. President. Our former colleague, now Secretary of the Interior Ken Salazar has written a letter in memory of our departed colleague Dan Inouye. I ask unanimous consent that the letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, December 18, 2012.

Majority Leader HARRY REID,
Hart Senate Office Bldg.,
Washington, DC.

DEAR MAJORITY LEADER: Senator Danny Inouye was and will continue to be one of my lifetime heroes. In December 2008, when the President, you and I were in discussions about my potential service as United States Secretary of the Interior, Senator Inouye said the following to me:

''The Secretary of the Interior is the most important position in the Cabinet because you are the Custodian of America's Natural Resources and America's Heritage.''

Senator Inouye's description of the Department was a major factor in my decision to accept the President's offer to serve as Secretary of the Interior. I have adopted his description of the job of Secretary as my motto and as the best description of the Department of the Interior.

Like you, I will forever miss Senator Inouye. He has served and continues to serve as a mentor and inspiration to me in all of my days in public service. I know his life and his teachings will continue to live through each of us as he continues to inspire our journey forward.

Respectfully,

KEN SALAZAR,
U.S. Secretary of the Interior,
former U.S. Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr President, I have not yet filed, but I intend to shortly, an alternative amendment to the emergency supplemental which is on the Senate floor and in the process of being debated. I would like to explain what it is that I am going to file and what it does and explain the rationale behind it.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. I yield to the Senator.

Mr. LEAHY. It is my understanding that the Senator is not going to seek action on it now, it is simply to file it?

Mr. COATS. That is correct.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. The Senator from Vermont is correct. I don't intend to take any action on this now. I know there are events planned tonight. We are in the middle of mourning for our lost colleague as well. But I simply wanted to explain for the record what it is that we are attempting to do.

I think all of us are sensitive to the pain and the damage incurred by those in the Northeast due to the catastrophic, clearly catastrophic record proportion hurricane that hit that sector of our country just weeks ago. Clearly, that is something that falls in the category of an emergency. It goes beyond the ability of State and local jurisdictions to address with their own resources. They will participate in the recovery, and they have. It is remarkable, in this country virtually no State, no Senator, can stand and simply say, well, we haven't been touched and not understand the need for the response that comes from disasters, whether they be tornadoes like occurred in my State of Indiana just this past spring—we needed emergency help and response and received that—or whether it is flooding that has occurred throughout the Midwest and in other parts of the country that has caused a tremendous amount of damage.

There have been terrorist attacks such as 9/11, Oklahoma City. In this case, hurricanes, and we have had a number of those. Katrina stands in our mind, Irene, and on and on it goes with Sandy being the latest. This one was truly of a monumental proportion and created a lot of damage.

Therefore, a Federal response is needed and necessary if we are going to begin to have an adequate recovery, get people back to work and back in their homes, businesses up and growing again and working.

The bill that is currently on the Senate floor for us attempts to do that. Some of us were somewhat staggered by the initial number, $60.4 billion. That may not be enough; that may be too much. But in the short amount of time that we have had to try to put all the estimates together in terms of what might be needed, what we as Senate Appropriations Republicans have attempted to do is to separate that from what we believe is immediately needed—immediate being from the time of the storm through March 27—to attend to those initial responses that need to take place. There were a whole raft of things that run the gamut from debris cleanup to repairing damaged and flooded facilities, destroyed homes, public facilities, and so forth. But we need to try to go through and separate the immediate and make sure that measure of support as quickly and as expeditiously as possible is brought to the area to address the problem and distinguish them from those longer term projects and interests that have been proposed.

When our committee met, it was, I think, up to 10 Senators from the affected States testifying. We heard a number of suggestions about the number of things that ought to be incorporated into this legislation. Mitigation was one major issue. Mitigation simply is preparing for the next storm so we can mitigate or lessen the damage that occurred from the storm that we just incurred. But mitigation is a long-term project. It is not something that can be immediately entered into.

Interestingly enough, on the proposals that were presented before the committee, many were contradictory. Some thought that burying wires underground would prevent, obviously, tree limbs from taking them down and losing power on above-ground wiring. In a city like Manhattan, Boston, or a major metropolitan area or in any city, it is an enormously expensive project.

While that seemed initially to meet some success, then one of the experts who was testifying said, well, wait a minute. The flooding that occurs with this would go in and would corrode the piping and corrode a lot of the systems and the switches, and that might not be the best thing to do. I don't know whether that is better to do or not better to do, but it is certainly something that needs to be examined carefully and vetted before we commit to that type of project.

Others said we should rebuild the sand dunes and sand islands offshore to provide barriers. There was the piece, I think it was in the New York Times, that basically said this has shown some real promise in terms of protecting areas by having sand barriers off coast.

Other experts came in and said, well, yes, sometimes that works and sometimes it doesn't work, and you need to be careful how and where you build these. It is not the panacea, it is not the be-all and end-all of how you prevent this type of damage, but it clearly is something that we ought to look at, clearly something we ought to examine. But making a decision now in the weeks' aftermath of the storm, just days from adjournment, and saying this is why we need $13 billion toward mitigation projects—without vetting those projects, without examining those, having experts look at it and tell us what they think would work, how much it would cost, setting the priorities of what ought to be first, what ought to be done and what, perhaps, might not work and be postponed—all of that requires a process.

If we are going to be responsible with the taxpayers' dollars at a time of this fiscal crisis, and particularly now, it seems to me the most logical and responsible way to move forward is to identify the immediate needs and provide the immediate funding to address those needs.

Secondly, on those needs that are longer term, go through the process. That is why we have committees. That is why we have procedures in place, to identify how best to move forward and spend the taxpayer dollars in a useful way that doesn't turn out to be a waste

of money and deny us the opportunities to do the mitigation or other repairs that may be needed.

The additional funding, of course, this is a short-term proposal. It goes through March 27. It addresses those needs that fall into that category that meet the criteria of what we set out when we told our staff on the Appropriations Committee to go through and scrub the bill that was put before us and separate out that which was needed now from that which could be done later. That criteria excluded funding for projects not related to Sandy.

There is the long list of requests out there for previous disasters. Mitigation was for future disasters that may or may not come. On mitigation, we said let's set that aside for later deliberation.

On nonrelated issues, such as cleaning up the tsunami debris on the west coast, those expenditures put in this $60.4 billion proposal by the administration and brought to this Senate floor, if it is not related directly to this storm, let's set those aside for the procedures that were being dealt with before Sandy occurred or put those procedures in place to deal with it afterward. So unrelated items and unsubstantiated items, those are where all the facts weren't in, where these were estimates that had not been certified and not substantiated in a way that I think puts us in a position to make the correct decisions in terms of going forward.

So under that criteria, we came up with a proposal that is a little bit of a work in progress, but totals around $24 billion.

Mr. LEAHY addressed the Chair.

Mr. COATS. I yield to the Senator, but I would like to finish my remarks, if I could. I know we all have time commitments.

Mr. LEAHY. I am only going to make a short unanimous consent request, if I could.

Mr. COATS. I yield to the Senator.

ORDER FOR RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the distinguished Senator's remarks the Senate stand in recess subject to the call of the Chair.

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

The Senator from Indiana.

Mr. COATS. Mr. President, the concept behind this, of course, is to be as careful as we can with the taxpayers' money and make sure that each dollar spent is spent on something that has been thoroughly examined, looked at, vetted, scrubbed, and determined to be necessary going forward. We have to determine the share, the cost share for the State and local communities; what that percentage ought to be that comes from the State and the local communities as opposed to the Federal Government.

We have to determine how to best go forward with the best project that can, hopefully, prevent future damage should a second storm or subsequent storm occur. We have to look at a whole number of factors and make judgments. That is what we are elected to do.

When the taxpayers send their money into the Federal Government, they don't want us to just throw up a number and throw some wish list out and throw out money at unsubstantiated and unscrubbed projects that are proposed. So I am not suggesting that everything in the proposal, the $60.4 billion, is not necessary. I am simply saying give us some time, at least these 3 months through March 27, to have our committees and have the experts look at these proposals and make sure it is substantiated.

So we remove the unsubstantiated, the mitigated, the non-Sandy related. We have removed all that from this program, and that is how we arrived at this number.

Now, I could go through a number of examples—I don't think I need to do that at this particular point in time. When we look at the various categories this falls into, sometimes we matched exactly what it was in the administration's bill, saying this is an accurate number.

Flood insurance, for instance, we require people living in flood zones to buy flood insurance. They buy the flood insurance, and they are looking for their check. If the estimate has been made, and it has been made actuarially and through the procedures of FEMA and all those evaluating the cost, and the decision is made and the number is determined and certified, then a check is written and those people can move on to their lives. That is an immediate need.

We can't tell people to pay their premiums and we will somehow find a way to get their checks to them a year from now. This is an immediate need. In that regard, we have matched their request made by the Flood Insurance Program to provide the borrowing authority so that they can cut those checks. Whether it is Christmas or the middle of the year, those people need to get their lives back together and we want to get that money to them.

So as you go through the list here and the categories, as you compare what we have provided and what was provided in the larger bill, you find congruence in a number of areas, but a number of other areas, which I have generalized in terms of mitigation, in terms of community development block grants, all these take time to come to fruition, to be put together. The plans need to be vetted and approved. They are not necessary to provide the necessary immediate need and aid that is for the people who are suffering from the consequences of this storm. If we go through all that and scrub it, we arrive at a considerably lower number.

But I want it said that this number, while higher than some would like and lower than others would like, is a carefully thought-through, reasonable number to take care of needs for now, through this Christmas season and all the way to March 27. This Congress will then revisit the matter and see what else is needed. But during that time, we will be able to also carefully work through the estimates, substantiate those estimates, certify that. Then, obviously, I think those proposing will have a much better foundation to stand on in terms of what they are requesting, and those of us who are trying to be very careful with the taxpayers' dollars will be able to assert or state why we think this may not be necessary at this time or perhaps doesn't fall in the category of being related to Sandy.

We all know when some emergency supplemental comes to the Halls of Congress, a lot of people reach in their pocket, pull out their wish list, waiting for the next train that has to be something we will move through quickly, has to be something signed by the President because it is designated as an emergency. They throw on their wish list of unresolved, unfunded projects that perhaps are legitimate, perhaps maybe just earmarks or something that needs a train to hook onto in order to get passed. That is what we want to try to avoid.

As I said, I will be filing this amendment, which hopefully will be seen as an alternative to give Members a choice in terms of how best to move forward in dealing with this legitimate supplemental emergency provision.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 5:18 p.m., the Senate recessed subject to the call of the Chair and reassembled at 9:46 p.m., when called to order by the Presiding Officer (Mr. WHITEHOUSE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is the substitute now pending?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3338 WITHDRAWN

Mr. LEAHY. Mr. President, I withdraw the pending substitute amendment No. 3338.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

Mr. LEAHY. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the manager of this

bill, Senator LEAHY. He and I have worked together on the Appropriations Committee for more than a quarter of a century.

AMENDMENT NO. 3395

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3395.

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

AMENDMENT NO. 3396 TO AMENDMENT NO. 3395

Mr. REID. Mr. President, I have a first-degree amendment to the substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3396 to amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:

Sec. ___.

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3397 TO AMENDMENT NO. 3396

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3397 to amendment No. 3396.

The amendment is as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the substitute at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a first-degree amendment to the text of the language proposed to be stricken which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3398 to the language proposed to be stricken by amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:

Sec. XXXXXXXXX

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3399 TO AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a second-degree amendment which is at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3399 to amendment No. 3398.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 3400

Mr. REID. Mr. President, I move to commit the bill, H.R. 1, to the Appropriations Committee, with instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, H.R. 1, to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 3400.

The amendment is as follows:

At the end, add the following new section:

Sec. _____.

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a first-degree amendment to the instructions at the desk, and I ask the Chair to have that reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3401 to the instructions of the motion to commit H.R. 1.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3402 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3402 to amendment No. 3401.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the underlying bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

FLOOD CONTROL

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend Senator LEAHY, who is managing the Senate Supplemental Appropriations bill. The bill includes funding and language provisions for the U.S. Army Corps of Engineers that will help construct and improve crucial flood control projects in areas impacted by Hurricane Sandy, including along the Jersey Shore. Mitigation projects along the coast are critical to preventing future damage, and that's why I am pleased that language is included in the bill to authorize projects for construction that are currently in the study phase. This provision will expedite flood control efforts in flood-prone areas impacted by Hurricane Sandy, and I am pleased Senator LEAHY agrees this is a valuable initiative.

Mr. LEAHY. I am pleased to work with Senator LAUTENBERG on this

issue. New Jersey, New York, and other States throughout the region were devastated by Hurricane Sandy. In particular, flood-prone areas and the coastline experienced severe damage. That is why the Supplemental Appropriations bill includes funding and language to improve damaged projects, construct new projects to prevent future damage, and to authorize projects in the study phase for construction, provided that the Corps of Engineers determines doing so would cost-effectively reduce flood and storm damage risks.

Mr. LAUTENBERG. Requiring the Corps of Engineers to determine whether potential projects in affected areas can cost-effectively reduce flood and storm damage risks before receiving construction authorization is a valuable goal. However, Hurricane Sandy changed the conditions of many projects, which could increase the final cost of those projects. Also, many homes and businesses in flood-prone areas were destroyed. This could lead to a decrease in the value of property protected by proposed projects. Therefore, the combined impact of increased project costs and a reduction in the value of property that would be protected by planned flood control infrastructure could result in a calculation that shows a higher project cost with lower economic benefits. Does the Senator agree that the language regarding the cost-effectiveness of flood and storm damage efforts under consideration for construction authorization is not intended to disqualify projects that could have increased costs and decreased economic benefits as a result of Hurricane Sandy?

Mr. LEAHY. Yes. The language does not intend for the Corps of Engineers to disqualify studies under consideration for construction authorization based on increased costs and decreased economic benefits as a result of Hurricane Sandy. In addition, the term ''cost-effectiveness'' does not refer to the benefit to cost ratio typically used by the Corps of Engineers.

Mr. LAUTENBERG. I thank Senator LEAHY, along with Energy and Water Development Appropriations Subcommittee Chairman DIANNE FEINSTEIN, who has jurisdiction over the Corps, for their work on this vital bill, which would help states affected by Hurricane Sandy recover and prepare for future storms. It includes important language to allow projects in the study phase to be constructed and does not intend to disqualify projects with increased costs and decreased economic benefits as a result of Hurricane Sandy. Given that this process is different than standard practice, does the Senator agree that the Corps of Engineers should submit a report to Congress to explain the process that will be implemented?

Mr. LEAHY. Yes. The Corps is directed to submit a report to the Committee on Appropriations on its proposed process for determining cost-effectiveness, in accordance with the aforementioned intentions, no later than 45 days following enactment of this Act.

GREAT LAKES DREDGING FUNDING

Mr. LEVIN. Mr. President, I want to bring attention to a significant disaster situation in the Great Lakes region. As a result of a deadly combination of the Midwest drought and an unusually warm winter, the Great Lakes are at near record low water levels. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than 2 feet below their long-term average. Lake Superior is more than 1 foot below its long-term average. Keith Kompoltowicz, chief of watershed hydrology for the Army Corps of Engineers, has said regarding the Great Lakes water levels, ''There is a good chance of setting record lows.'' The situation in the Great Lakes has resulted in freighters getting stuck in channels, ships carrying reduced loads leading to millions of dollars in losses, harbors closing or being threatened with closure, and so-called Harbors of Refuge not being able to provide shelter to boaters in distress.

Ms. STABENOW. Mr. President, I share my colleague's deep concern with the low water levels in the Great Lakes. This is, without a doubt, a disaster for the communities who rely on our harbors and waterways. The Great Lakes provide jobs for more than 800,000 Michigan residents, and low water levels in the lakes are threatening those jobs. The Great Lakes support a $7 billion fishing industry, and a $16 billion recreational boating industry. However, weather disasters this year have resulted in water levels in the Great Lakes near record lows. Normally we count on spring rains and snow melt-off to raise the level of the lakes. But this spring we saw only a 4 inch rise in Lake Michigan and Lake Huron, one-third of the normal level. And for the first time on record, there was no spring rise in levels of Lake St. Clair and Lake Erie. Due in part to the summer heat wave, at the height of which every single one of Michigan's 83 counties was declared a disaster area, 2012 was also marked by evaporation rates over 50 percent above average for the 4 largest lakes. There is no question that the shipping channels and harbors of the Great Lakes are in distress. We cannot reverse the drought, but we can support the dredging projects necessary to ensure that the 139 Federal harbors and waterways in the Great Lakes region can continue to serve our Nation's economy.

Mr. BROWN of Ohio. While the water levels are at historic lows in Lakes Michigan and Huron, Lake Erie, which my State borders, also has water levels below its long-term average. Because the Great Lakes navigational system is interconnected, with shipments often moving from Duluth to Cleveland to Buffalo, a problem in one harbor can have negative impacts across all of the 60 commercial projects in the Great Lakes system. The light-loading of ships has repercussions across our transportation system with very real impacts on jobs and our manufacturing and agricultural sectors. This year's drought across Ohio, Michigan, and other parts of the upper-Midwest has been nothing short of a natural disaster.

Mr. LEVIN. In addition to response, recovery and mitigation related to Hurricane Sandy damage, I also understand this bill provides funds to help respond to other natural disasters. I would ask the manager of the bill, Senator LEAHY, is that correct?

Mr. LEAHY. Yes, that is correct. The Supplemental Appropriations bill includes some funding related to natural disasters other than Hurricane Sandy.

Mr. LEVIN. Would the near-historic low water levels of the Great Lakes caused by drought and mild winters be considered a natural disaster?

Mr. LEAHY. The bill does not define ''natural disaster,'' but the near record water level lows in the Great Lakes caused by drought and unusually warm weather leading to increased evaporation are certainly contributing to significant drought-like consequences at Great Lakes ports and harbors.

Mr. LEVIN. I thank the Senator. I am pleased the bill includes $821 million to dredge federal navigation channels and repair damage to Corps projects nationwide related to natural disasters. Would federally-authorized Great Lakes harbors and channels be eligible for that funding?

Mr. LEAHY. Yes. The funding is tied to estimates of natural disaster damages relayed to Congress by the Corps, however, the funding is not earmarked to specific projects. The Corps utilizes this funding to restore essential project functions based on the Corps' priority of the damages. In that context, Great Lakes ports and harbors would be eligible for the funding.

Mr. LEVIN. I thank the Senator for his clarification. The Army Corps of Engineers estimates that $35 million could be utilized in operations and maintenance funding just to restore minimum operations in the Great Lakes system. I am hopeful that $35 million of the $821 million for dredging will be directed to Great Lakes projects. I thank the Senator for his work on this important legislation, and I thank my friends for their support in addressing the low water level impacts on the Great Lakes navigational system through this supplemental appropriations bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, I filed cloture on the substitute amendment and the bill itself. I have had a conversation with the Republican leader earlier this evening. I am hopeful we can get a list—a short list—of amendments and a path to complete work on this bill as soon as possible. The FISA bill is something we have to do before we leave. I have said that several times this week. I have had conversations with several interested Members. I am hopeful we can get an agreement to complete action on this matter tomorrow.

The DOD authorization conference report, they have completed that work. It has been tedious and very hard. Senator MCCAIN and Senator LEVIN have worked very hard. We are hopeful we can lock in an agreement to vote on that tomorrow. We also have to confirm three district court judges. We hope to be able to do that tomorrow. We have a lot of work to do.

The House, as we speak—how to say this in a kind way. They are trying to come up with something. They have had to work all day to come up with something. We are waiting for their ''something.''

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

NATIONAL DISASTERS

Mr. MERKLEY. Mr. President, tonight we are wrapping up affairs here on the floor, and what is going on right now is that the main substitute amendment that had a whole series of other amendments attached to it that has been the result of the work over the last couple of days has been withdrawn, so we are back to square one in terms of addressing a series of national disasters around the country.

Tomorrow, with the new amendment, we will start off the day with a new basic amendment and a new chance to have amendments to the replacement. I explain this simply to say that a number of Senators who had amendments over the last couple of days will come back tomorrow and will ask to have their amendments be considered. I will be one of them, and I wanted to explain why.

In my home State of Oregon, we had the worst forest fires in a century this summer, and the devastation to ranchers and farmers was enormous. There was the loss of forage on their own land, the loss of forage on BLM land, certainly the loss of livestock, and the loss of miles of fencing in these fires. Basically, whole ranching enterprises were destroyed.

The largest of these fires was larger than the Presiding Officer's State, the State of Rhode Island. That is an enormous fire. That was just one of the many fires we had sweeping our State, and this was not just something that happened in Oregon. This happened in many States this summer because it goes along with something else, which is we had the worst drought in many parts of the country. So we have farmers and ranchers across this Nation devastated this past summer by drought, devastated by fires which were larger because of drought conditions.

Normally we would have had disaster programs to assist with these disasters. These disaster programs were authorized in the farm bill. In this Chamber we had a bipartisan coming together. We passed the farm bill, and we sent it over to the House. There it has sat, month after month after month, while our farmers and our ranchers all across this Nation faced these disasters with no assistance, no assistance in a situation in which they should be able to expect assistance. It is the tradition of our Nation that when there are extraordinary disasters, we rally together, respond and rebuild those communities, whether they be urban disasters or whether they be rural disasters. But because the farm bill has not been passed, not gotten to the President, these disaster programs have not been reauthorized, and our farmers and ranchers watch us and wait. They say where is our government, our partner, when disaster occurs?

They know the tax dollars they pay go into the central government and have many times been allocated to others around this Nation facing disasters of all kinds—earthquakes, hurricanes, floods, droughts. But these individuals, now that Mother Nature has struck them, stand waiting.

We have an opportunity tomorrow to right this wrong. We have a bill that is about the enormous terrible disaster that affected our Northeastern States in the form of Hurricane Sandy.

We should be absolutely expedient in taking care of communities so dramatically affected. But at the same time, isn't it right that we take care of the other communities around this country that have faced disasters this last year that are waiting on us?

I invite my colleagues to come to the floor and explain to me if they feel it is not right to take care of the other disasters we have had this last year. I would like to be able to go to the ranchers and farmers in my State and explain to them the arguments that others might bring about why their disaster, the destruction of their livelihood that the great hand of Mother Nature struck, why we shouldn't address and assist them when we are assisting others so dramatically affected around this Nation. Quite frankly, I have no answer. I have no answer. I can't think of an answer.

Will any of my 99 colleagues come to me and explain why we shouldn't pass this amendment tomorrow, the amendment that I will propose? I will tell you that a number of us came together to propose this amendment. Senator STABENOW, Senator MCCASKILL, Senator BAUCUS, Senator WYDEN, Senator TIM JOHNSON, Senator FRANKEN, Senator TOM UDALL, representing all kinds of parts of our Nation, who understand the impact that drought has had, understand the impact the fires have had. They have come together from different parts of the Nation to say we are in this together. Let's not leave stranded our ranchers and farmers when we gather to debate tomorrow. Let's let this amendment be brought forward, and let's get it passed as part of this very appropriate response to this very terrible disaster called Hurricane Sandy.

LIMITED SERVICE EXCLUSION

Mr. PRYOR. Mr. President, I rise today to address an issue that has arisen between companies within the moving industry. Recently, a group of full-service moving companies has attempted to change rules established by law, regulations, and court findings. These full-service moving companies are aiming to undermine the clear intent of Congress by avoiding the formal rulemaking or legislative process. The changes sought would benefit their companies and damage their competitors within the sector.

In recent years, full-service moving companies have faced new competition from a growing number of companies that allow consumers a ''do it yourself'' alternative to more expensive, traditional movers. Some general freight motor carriers have been offering ''do it yourself'' consumers an option for moving: a non-household goods motor carrier drops off empty containers or trailers at the consumer's doorstep for the consumer to load, the consumer loads the trailer—individually, with help from neighbors, or by hiring a third party. After loading, the consumer calls the container company or freight carrier to pick up the container or trailer, the container company then arranges for an authorized general freight or flatbed carrier to pick up and haul the loaded container, dropping it off on the requested delivery date for the consumer to unload; and the carrier returns to pick up the empty container or trailer when unloaded. The customer is able to purchase the level of service he or she wants and manage the process themselves from start to finish.

Mr. President, that is precisely the type of service alternative Congress intended to encourage when it included the so-called ''Limited Service Exclusion'' in the ''Household Goods Mover Oversight Enforcement and Reform Act

of 2005,'' enacted as §§ 4201–16 of Pub. L. No. 109–59, 119 Stat. 1144 (2005), now known as ''SAFETEA-LU.'' This Limited Service Exclusion, codified at 49 U.S.C. § 13102 (12)(c), expressly states that:

The term [household goods motor carrier] does not include a motor carrier when the motor carrier provides transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier).

I sponsored this provision and worked with others in Congress to incorporate this Limited Service Exclusion into law and want to be clear of the intent of the law. The ''Limited Service Exclusion'' was intended for the non-household goods motor carrier that drops off empty containers or trailers, which are loaded by the consumer or a third party, and then delivered or stored by the container company or freight carrier. The exclusion's intent was to keep portable container supply companies and general freight carriers from the regulations required for household good movers.

The written guidance that has been requested by the full-service moving companies are pushing would ignore the Limited Service Exclusion's intent by blocking portable container supply companies and general freight carriers from relying on this statutory exclusion to work together and with the do it yourself consumer to move the consumer's belongings to his new home. That requested interpretation would reverse decades of legal precedent and rule that if the container supplier or general freight carrier refers the consumer to a third party who provides the labor to load or unload the containers and trailers, and the consumer elects to use those services, this third party automatically becomes the ''agent'' of that container company or trucking company. This attempted change of the statute with its anticompetitive effects is exactly the opposite of what I and my colleagues in the Senate and the House who voted for SAFETEA-LU intended.

The traditional moving companies urge the FMCSA to adopt a definition of ''agent''—as such term is used in the Limited Service Exclusion. This would result in greater costs to consumers and will prevent container and general freight carriers from using the Limited Service Exclusion as Congress intended. The FMCSA already has embedded in its regulations the ideal basis for arriving at a definition of ''agent'' that is consistent with our intent. The FMCSA's own regulation, 49 CFR § 375.103, requires it to apply the ''ordinary practical meaning'' to the term ''agent.'' The ''ordinary practical meaning'' of the term agent is well settled as a matter of black letter law and there is no cause for a federal agency to attempt to further interpret such a well-established term. Simply put, the definition compels a finding that: as long as the container or freight carrier does not control the third party who the consumer engages to load and unload the container or trailer, the carrier does not authorize the third party to act for and on behalf of this carrier, and the third party does not agree to act on behalf of the carrier, then the third party is not the agent of the carrier. Facilitating the consumer to contract with a third party that provides loading and unloading services does not create an agency relationship as we intended that term in the Limited Service Exclusion. Moreover, on a related issue, the Limited Service Exclusion should remain intact even if the carrier receives compensation for facilitating the consumer to contract with packing and loading providers, provided that the carrier does not have an agency relationship with the packing and loading providers.

Mr. RUBIO. Mr. President, as Senator PRYOR points out, the clear intent of Congress in adopting the Limited Service Exclusion section of SAFETEA-LU was to ensure cost-conscious, budget-driven consumers will continue to have the option to choose low-cost moving services for their goods. Although I was not a member of Congress when SAFETEA-LU was passed, you can plainly see that Congress made it clear in another section of SAFETEA-LU that it was codifying and preserving decades of law developed and perpetuated at the FMCSA, its predecessor the Interstate Commerce Commission, and the courts that authorize general commodity motor carriers lacking household goods authority to transport household goods as long as they do not perform specialized household goods related services such as loading and unloading. Here is what Congress added to SAFETEA-LU, now codified at 49 U.S.C. § 13102(12)(B):

The term [''household goods motor carrier''] includes any person that is considered to be a household goods motor carrier under regulations, determinations, and decisions of the Federal Motor Carrier Safety Administration that are in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005.

The definition of ''household goods motor carrier'' that Congress sought to preserve and perpetuate focuses on the nature of the services performed, not on the commodity itself. If the motor carrier provides specialized household goods related services—packing, loading, unloading, etc.—for the consumer, the carrier must be deemed a ''household goods motor carrier'' with respect to the goods it transports under a long line of court, FMCSA and ICC decisions and implementing regulations. Conversely, if the carrier (or its agent) does not perform those specialized services in conjunction with those household goods, it may transport them without being registered and regulated as a ''household goods carrier.'' This emphasis on the nature of the carrier services performed and not the nature of the commodity itself is also at the very heart of and reflected in the appropriately named ''Limited Service Exclusion.'' The interpretation that the traditional movers advocate would overturn, not preserve, agency precedent and arrive at a definition of ''household goods motor carrier'' that unlawfully contravenes the service-based exclusion codified in 49 U.S.C. § 13102(12)(c).

Mr. PRYOR. Along with the growth of general freight motor carriers and container-supply companies catering to the needs of do-it-yourself consumers, we have seen some of these same companies become regulated property brokers and step forward in this capacity to assist these consumers. For a negotiated fee, they offer to arrange with portable container companies and general freight carriers to place the containers and trailers for loading and to have them transported to their destinations when loaded. To counteract this middleman-service, the full-service traditional moving companies are now urging the FMCSA to require do it yourself consumers desiring broker assistance to engage only brokers registered with and regulated by the FMCSA as ''household goods brokers'' to make these arrangements on their behalf and to require them to use only registered, full-service ''household goods motor carriers'' to perform the underlying transportation.

Their principal argument relies upon a false negative inference they want the FMCSA to draw from the absence of a similar ''Limited Service Exclusion'' from the ''household goods broker'' definition for brokers that arrange household goods moves for do-it-yourself consumers. This effort at changing the meaning of the statute further obstructs the intent behind the Household Goods Mover Oversight Enforcement and Reform Act of 2005. We want the consumers to have access to low-cost transportation services as an alternative to the traditional full-service moving companies when motor carriers, lacking specific household goods authority and not providing specialized household goods related services, perform the underlying transportation in reliance upon the Limited Service Exclusion codified at 49 U.S.C. §13102(12)(c). No broker-specific Limited Service Exclusion is required: if the underlying motor carrier service does not provide packing and loading services, then the motor carrier need not hold household goods authority from the FMCSA. In turn, the broker engaged by the consumer to arrange the transportation (without any packing and loading services) likewise need not hold household goods broker authority and need not use a household goods motor carrier. Accordingly, a motor carrier authorized to haul property (excluding household goods) can perform the move.

Mr. RUBIO. Mr. President, as Senator PRYOR has articulated, the FMCSA should not suppress competition in the moving industry, and my fear is that this would happen if the

agency eliminates an important moving option for do-it-yourself consumers. This would economically hurt the principal users of portable storage companies, namely the middle class, military, students and other price conscious consumers. For these reasons and the others mentioned by my colleague, it is my sincere hope that the FMCSA preserves the rights of consumers, as intended by Congress, to ready and unfettered access to lower cost options with respect to moving their household goods.

TRIBUTES TO DEPARTING SENATORS

DAN AKAKA

Mr. LEVIN. Mr. President, for the last 22 years, DANIEL AKAKA has represented the people of Hawaii in this body. They have been the better for his service, and I have greatly appreciated the wisdom, humility, and passion with which he has served here.

One issue on which we have been able to work closely as fellow members of the Homeland Security and Governmental Affairs Committee is oversight of the Federal workforce, a key issue for his State and for taxpayers everywhere. Senator AKAKA's passion for Federal workforce issues comes from his passion for public service and for effective government. Just in this Congress, I was an original cosponsor of his Federal Whistleblower Protection Act, to strengthen the law protecting Federal employees who bring to light fraud, waste, and abuse in Federal programs. That Akaka bill is expected to be signed into law before the end of the year. Also this Congress, I was proud to cosponsor his Hatch Act Modernization Act to allow hard-working employees of State and local governments, who are covered by the Hatch Act, to serve as elected officials in their communities.

In addition to his focus on Federal workforce issues, Senator AKAKA has long been a valued member of the Armed Services Committee. We have worked together on legislation to reform Defense Department business and financial management systems; strengthen oversight and accountability of wartime contracting; and strengthen the Defense Department's management of the substantial funds it spends to acquire property and services.

Senator AKAKA joined in 2002 with Senator INHOFE to form the Senate Army Caucus, and through this bipartisan group they have focused welcome attention on the programs and needs of our Army. Senator AKAKA, himself an Army veteran, has been an important source of insight into the challenges facing our soldiers and their families.

Of course, as the former chairman of the Veterans' Affairs Committee, Senator AKAKA has long demonstrated an intense dedication to those who have helped defend our Nation. His steadfast advocacy for veterans health programs, education benefits, and other important programs has made a significant and lasting impact on the lives of veterans and their families.

When people describe DANIEL AKAKA, one of the first words used to describe him is ''humble.'' He is indeed that. He has been a dedicated and principled servant of the people of Hawaii and our Nation, an unfailing ally of our veterans and their families, and a valued colleague and friend. I will miss him, and I will always remember how he taught us that gentleness and effectiveness are not mutually exclusive characteristics.

HERB KOHL

Mr. President, in his four terms representing the State of Wisconsin in this body, Senator HERB KOHL's focus has been precisely where it should be: the welfare of the people of his State and of our Nation. Whether in supporting American manufacturers and the jobs they provide, in fighting for protection from crime and for adequate nutrition for our children, in protecting senior citizens from elder abuse, or in preserving the Great Lakes that our two States share, Senator KOHL has accomplished much on behalf of American families.

I have been fortunate to work closely with Senator KOHL on issues of vital importance to our States. He has long been a strong supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers with technical support and services that make them more efficient and competitive in the global marketplace. His support for adequate MEP funding has made a significant difference for American companies and workers.

Now, we in Michigan bow to no one in our love for the Great Lakes, but even I would admit that Wisconsin, second only to Michigan in its length of Great Lakes coastline, is a close competitor. As a member of the Great Lakes Task Force, which I cochair, he has supported cleanup of toxic hot spots, the fight against invasive species, protecting Great Lakes water quality, and sufficient funding for the Great Lakes Restoration Initiative.

We have also shared an interest in consumer protection. Senator KOHL chairs the Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights, and from that platform, he has battled those who would prey on American consumers, whether they are abusive credit card companies or oil-exporting cartel nations.

But where Senator KOHL has left what may be his most lasting impression is in his hard work on behalf of our Nation's most vulnerable citizens: children and seniors. He has long advocated solutions to help make college more affordable. He has helped expand the availability of nutritious breakfasts for school-age children and programs to help parents afford food on the table for their families. He has worked to strengthen afterschool programs. And in 2007 and again in 2008, he introduced the Patient Safety and Abuse Protection Act, which allowed employers to perform background checks on nursing home employees to help prevent elder abuse. When this legislation was included in the Affordable Care Act in 2009, it was a major step forward for patient safety.

I will miss working with HERB KOHL on these and many other issues. I will miss the opportunity to give him a hard time whenever our Detroit Pistons beat his Milwaukee Bucks. I hope we can continue the important work he has helped move forward: protecting good jobs, our Great Lakes, our students, and our seniors.

DANIEL K. INOUYE

Mr. WHITEHOUSE. Mr. President, today the State of Hawai'i, the Senate, and the United States mourn the loss of Senator Daniel Inouye.

Observers of the Senate today know Chairman Inouye as a poised, soft-spoken statesman: courteous and collegiate; shunning of the spotlight; above the petty churn of the partisan fray. But historians will remember him as a great patriot, a fierce warrior, a brave pioneer, and a great leader.

Chairman Inouye's unflinching commitment to his country withstood both the moral threat of having his family deemed ''enemy aliens'' and the direct physical threat of Nazi firepower. His famed ''Go For Broke'' 442nd Regimental Combat Team was made up of Japanese-American volunteers, but even among this exceptionally decorated group of men, Second Lieutenant Inouye exemplified exceptional bravery and sacrifice in what Winston Churchill described as the war ''to confront not only military but moral aggression.''

The fight to see the American values of freedom, justice, and equality fulfilled would continue beyond the war years and throughout Chairman Inouye's lifetime of service to his home state and his country. The new State of Hawai'i sent him to Washington as part of its very first delegation. The first Japanese American elected to Congress, he has been a champion of civil rights for women, Asian Americans, Native Hawaiians, and African Americans. Indeed, Chairman Inouye was the last surviving member of the Senate to have voted for the Civil Rights Act of 1964. He also ferreted out corruption at the highest level of government, serving on the Senate's select committee on the Watergate scandal, and chairing the investigation of the Iran-Contra arms affair.

But Dan Inouye was first and foremost a servant of the people of Hawai'i. Ever grateful for the faith they entrusted in him year after year, he worked to make sure they had every opportunity to achieve the full potential of the American Dream. I was honored that he joined me as an original member of the Senate Oceans Caucus,

and as a cosponsor of my bill to establish a National Endowment for the Oceans to protect the environment and economies that are so vital to both his home State and my own.

As his colleague and compatriot Senator DANIEL AKAKA said on the Senate floor in those first hours after we received the terrible news of Chairman Inouye's passing, ''He fulfilled his dream of creating a better Hawai'i.'' His wife Irene, his son Ken, his daughter-in-law Jessica, his stepdaughter Jennifer, and his granddaughter Maggie can all be proud of that legacy. My thoughts are with them in this, their time of loss.

As the old hymn tells us:

Now the laborer's task is o'er;
Now the battle day is past;
Now upon the farther shore
Lands the voyager at last.

Aloha, Dan Inouye.

ADDITIONAL STATEMENTS

TRIBUTE TO MIKE BURKE

• Mr. CARDIN. Mr. President, today I wish to thank and to honor an invaluable member of my Senate team, Michael Burke. As my Maryland projects director, Mike has been the key liaison between the Federal legislative process and the critical institutions of my home State of Maryland. As my top environmental adviser, Mike has been vital to each of my environmental priorities, from climate change to the Chesapeake Bay. Mike is a substantive expert, a keen strategist, a wise counselor, and an attentive mentor and friend to my entire team. He is a diligent public servant who leads quietly, by example, with the strength of his knowledge and skill. As he retires after an exemplary career of service, I am pleased to pay public tribute to this remarkable man.

Mike has devoted much of his career to protecting the natural splendor of Maryland and the Mid-Atlantic, particularly our iconic Chesapeake Bay. Before joining my team, Mike was associate director of the Environmental Protection Agency's Chesapeake Bay program. There, he dedicated himself to implementing solutions for the bay, which is the world's largest estuary, one of the most important water bodies in the Nation, and a natural resource that all Marylanders treasure. Shortly after I was sworn into the Senate, Mike joined my office as an EPA fellow. He demonstrated an incredible knowledge and understanding of the wide range of issues affecting Maryland, and I knew I needed to hire him as a permanent member of my staff. He brought his passion for the environment to his work in the Senate, skillfully leading efforts on environmental issues from Chesapeake Bay health to clean air, and from climate change to wildlife conservation. I will continue to fight hard for the issues and programs that Mike helped initiate.

Mike knows the ecological importance of the Chesapeake Bay and the impediments harming the bay's ecology because he has seen it all and experienced it firsthand. From Poplar Neck to Elk Neck, from Catoctin Mountain to Calvert Cliffs, from the Nanticoke to the Pocomoke, from Rocky Gorge to Sandy Point, Mike has experienced the natural wonder of our great State. It is his deep appreciation for the importance of protecting our State's natural resources that has made him such a valuable member of my staff.

In addition to his critical environmental work, Mike led my team in charge of instate projects. The key institutions of Maryland's public life our universities, our hospitals, our local governments, and community organizations have benefitted from Mike's expertise in navigating the legislative process and his commitment to fighting on behalf of the people of Maryland.

Mike's substantive knowledge and political acumen extend well beyond the bay and Maryland. His policy expertise led Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, to ask me if I would ''lend'' Mike to her committee during the committee's arduous work on both the 2010 climate bill and the 2012 Transportation bill. While his full-time service to my office was missed during those periods, I was pleased to see how much my colleague from California valued Mike's input and skill, and I was happy to see him brought in to help the chairman with these important committee initiatives.

In addition to his wealth of knowledge and strategic skill, Mike will be missed most of all for the warmth, integrity, and generosity of spirit that he brings to every encounter. When he first joined my office, he would occasionally send Maryland trivia questions around to the staff. His enthusiasm helped to broaden my team's—and even my own—knowledge of the great State of Maryland, and endeared him to everyone in the office. No matter how tough the circumstance and here in the Senate, we often face tough days—Mike is quick to declare with a smile that he has ''never had a bad day.'' He has committed himself to mentorship, voluntarily and enthusiastically spending hours working with more junior colleagues, guiding and advising them with a selflessness that is remarkable for being all too rare.

During the years, I am proud to say that I have come to value Mike not just as a staff member, but as a friend. He and his wife Pat have become favorites within the Cardin team, and I am pleased to have this opportunity to acknowledge Pat publicly as well. Her strong commitment to Maryland is evident not only in her own work in children's health care, but in her support of Mike's efforts here in these Halls, and I thank her for her contribution to the people of Maryland.

Mike's knowledge of the environmental issues of the day does not just stem from his professional experience, but also from his personal interest as an avid naturalist, bird watcher, kayaker, and overall lover of the outdoors. Mike is most at home among the natural spaces he treasures, either on the water in a sea kayak or walking along a nature trail. For several years, Mike has shared that passion with the community by writing a column featuring different species of Mid-Atlantic native and migratory birds in the ''Chesapeake Bay Journal.'' As with everything he does, Mike's columns always manage to include some of the quiet wisdom that is uniquely his. In a column about the common song sparrow, a local bird that is often overlooked in favor of those with brighter colors and flashier songs, Mike urges his readers to look beyond the bird's plain exterior to appreciate its unique contribution to the natural community. His words manage to capture something about his own steady, unassuming service to those around him. Mike writes, ''We lead quiet lives until some rare person decides to listen with abiding patience, waiting for us to finally step out from behind protective cover and softly announce our presence. And then anonymity gives way to the individuality that has been there all along.'' For me, for my team, Mike has always been both the quiet presence and the patient listener, working with steady determination for the people of Maryland. As he looks forward to a retirement filled with relaxation and the outdoor recreation that he loves, I am humbly grateful for his service. He will be missed.•

MESSAGES FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 285. An act for the relief of Sopuruchi Chukwueke.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6671. An act 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.

At 12:27 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 bills, without amendment:

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

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.

The message also announced that the House passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6504. An act to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

H.R. 6621. An act to correct and improve certain provisions of the Leahy-Smith America Invests Act and title 35, United States Code.

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

ENROLLED BILLS SIGNED

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 285. An act for the relief of Sopuruchi Chukwueke

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other Purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

The message also announced that the Clerk of the House be directed to return to the Senate the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes, in compliance with a request of the Senate for the return thereof.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the house passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6672. An act 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.

The message further announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At 6:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 19, 2012, she had presented to the President of the United States the following enrolled bill:

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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8583. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Expansion of 911 Access Loans and Loan Guarantees'' (RIN0572–AC24) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8584. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designation of Product Categories for Federal Procurement, Round 9'' (RIN0599–AA15) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8585. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus subtilis Strain QST 713 Variant Soil; Amendment to an Exemption from the Requirement of a Tolerance for Bacillus subtilis Strain QST 713 to Include Residues of Bacillus subtilis Strain QST 713 Variant Soil'' (FRL No. 9369–3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8586. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL No. 9372–1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8587. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flubendiamide; Pesticide Tolerances'' (FRL No. 9373–3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8588. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerances'' (FRL No. 9365–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Picoxystrobin; Pesticide Tolerances'' (FRL No. 9370–8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dodine; Pesticide Tolerances'' (FRL No. 9364–7) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clodinafop-propargyl; Pesticide Tolerance'' (FRL No. 9371–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8592. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report 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.

EC–8593. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2010 Report on the Department of Defense (DoD) Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–8594. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations'' (RIN2577–AC80) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8595. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8596. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled ''Groundfish Fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fisheries; Observer Program'' (RIN0648–BB42) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8597. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures'' (RIN0648–BB90) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8598. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested'' (RIN0648–XC303) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8599. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Electric Quarterly Report Filing Process'' (RIN1902–AD52) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Energy and Natural Resources.

EC–8600. A communication from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2012; to the Committee on Environment and Public Works.

EC–8601. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–8602. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast Air Quality Management District; Prevention of Significant Deterioration; Greenhouse Gases'' (FRL No. 9749–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8603. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Wyoming; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309'' (FRL No. 9756–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8604. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone; Listing of Substitutes for Ozone Depleting Substances—Fire Suppression and Explosion Protection'' (FRL No. 9757–5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8605. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum'' (FRL No. 9760–2) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8606. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; South Bend/Elkhart, Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9761–1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8607. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9760–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8608. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-Hour Ozone Standards; Technical Amendments'' (FRL No. 9762–4) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8609. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley Nonattainment Area for 1997 Fine Particulate Matter National Ambient Air Quality Standard'' (FRL No. 9760–8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8610. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District'' (FRL No. 9750–4) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8611. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Stormwater Regulations to Clarify that an NPDES Permit is not Required for Stormwater Discharges from Logging Roads'' (FRL No. 9758–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8612. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 9750–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8613. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; Eastern Kern, Imperial, Placer, and Yolo-Solano; Prevention of Significant Deterioration'' (FRL No. 9739–5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8614. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Washington; Regional Haze State Implementation Plan'' (FRL No. 9722–9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8615. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9736–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8616. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval, Disapproval and Promulgation of State Implementation Plans; State of Utah; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309'' (FRL No. 9751–6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC–8617. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 2006 Fine Particle Standard'' (FRL No. 9763–6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8618. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9372–8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rules'' (FRL No. 9373–8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Infrastructure SIP Requirements for the 2006 PM2.5 NAAQS; Revisions to FIPs To Reduce

Interstate Transport of PM2.5 and Ozone; Correction'' (FRL No. 9763–3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas and Permits for Major Stationary Sources Locating in Nonattainment Areas or the Ozone Transport Region'' (FRL No. 9763–4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8622. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–143, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled ''Alzheimer's Disease and Dementia: A Comparison of International Approaches'' (Rept. No. 112–254).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures (Rept. No. 112–255).

Report to accompany S. 2388, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes (Rept. No. 112–256).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1910. A bill to provide benefits to domestic partners of Federal employees (Rept. No. 112–257).

S. 241. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2234. A bill to prevent human trafficking in government contracting.

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. TOOMEY:

S. 3690. A bill to require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mrs. GILLIBRAND, and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3692. A bill to amend title 32, United States Code, to authorize National Guard support for State and local efforts to keep schools safe from violence, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER:

S. 3693. A bill to enhance the safety of America's schools; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 3694. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Ms. AYOTTE, Mr. ALEXANDER, Mr. BLUNT, Mr. MORAN, Mr. PAUL, and Mr. RUBIO):

S. 3695. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, and Mr. MERKLEY):

S. 3697. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. LEAHY, Mr. AKAKA, and Mr. BROWN of Massachusetts):

S. 3698. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 625. A resolution recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives; considered and agreed to.

By Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN):

S. Con. Res. 65. A concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1709

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1709, a bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care and recognition of military working dogs, and for other purposes.

S. 3280

At the request of Mr. JOHANNS, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3518

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in trade negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3623

At the request of Mr. REED, the name of the Senator from West Virginia (Mr.

MANCHIN) was added as a cosponsor of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. 3635

At the request of Mr. COONS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. CON. RES. 62

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 62, a concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nevada (Mr. HELLER), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 613, 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 to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 613, supra.

S. RES. 618

At the request of Mr. LEVIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3344

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3344 proposed to H.R. 1, a bill 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.

AMENDMENT NO. 3349

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3349 intended to be proposed to H.R. 1, a bill 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.

AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3367 proposed to H.R. 1, a bill 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.

AMENDMENT NO. 3381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 3381 intended to be proposed to H.R. 1, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. GILLIBRAND and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the STRONG Act of 2012, or the Strengthening The Resilience of Our National on the Ground Act. This legislation will build upon existing extreme weather resiliency efforts to provide State and local actors with the tools and information they need to help prepare, plan for, and more quickly recover from extreme weather events. Hurricane Sandy has shown us that extreme weather remains a major challenge for our Nation.

Recently, extreme weather events have battered the nation, resulting in record-high losses for 2011 and more broken records in 2012. In the past 30 years, there have been more than 130 extreme weather events in the United States that generated at least $1 billion in devastating damages. Most recently, Hurricane Sandy resulted in more than 100 deaths, the evacuation of hundreds of thousands of people, power outages affecting more than 8.5 million homes, massive flooding, gasoline shortages, and a crippled regional energy and transportation infrastructure. Extreme weather ravaged every region of the United States this year, with drought conditions in more than 60 percent of the contiguous United States; deadly floods; destructive wildfires on more than nine million acres across 37 States; and deadly heat waves.

By building stronger communities, we can reduce the serious economic and human costs of extreme weather over the short and long term. For every $1 spent now on disaster preparedness and resilience-building, we could avoid at least $4 in future losses. We need to make our Nation stronger and more resilient against extreme weather or face an increasingly more expensive and deadly future.

The STRONG Act of 2012 will use existing Federal resources to help reduce future losses of life, property, and well-being. It will also help limit declines in regional economic growth due to disasters. Specifically, it directs the Federal Government to create a more comprehensive approach to planning for and supporting resiliency efforts due to extreme weather. The bill directs the White House Office of Science and Technology Policy to chair a high-level interagency working group to assess Federal agencies' activities related to extreme weather resilience across key sectors, such as agriculture, water management, infrastructure, public health, and national security. It develops a plan to better support State, local, and private and public sector resiliency efforts in the short and long-term, including establishing a public clearinghouse of information. The bill emphasizes State, local, and private sector involvement; a Federal advisory group composed of private and public representatives will play a key consultative role throughout the process, as will an advisory group composed of State, local, and tribal representatives. It also complements and builds upon recent activities by my colleagues and the White House in the Federal response to the devastation of Hurricane Sandy.

I believe that by better understanding and planning, we can reduce the serious economic and human costs of extreme weather on our communities. The events of 2012 and years past have clearly demonstrated the need for better and more efficient governance before disaster strikes again.

A number of organizations are supportive of this bill, including the U.S. Conference of Mayors, the National Association of Counties, the National Emergency Management Association, the National Weather Association, and the American Planning Association.

I am pleased that Senators GILLIBRAND and LAUTENBERG are original cosponsors of this legislation. I look forward to building upon a strong foundation and improving our extreme weather resiliency efforts. It is our responsibility to protect our citizens and help minimize future loss and damage. I ask all Senators to support this legislation.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise to introduce the New Columbia Admissions Act that will create a 51st State from the populated portions of Washington, D.C., giving these more than 600,000 disenfranchised Americans the voice they deserve in our national government. The United States is the only democracy in the world that denies voting representation to the people who live in its capital city. It is long past time to end this unjust and embarrassing distinction.

I am not the only Senator who feels this way—Senators DURBIN, BOXER, and MURRAY join me in cosponsoring this bill today. My friend Senator Inouye had planned to cosponsor this bill as he was a strong supporter of the District's right to have congressional representation.

Under this bill, there would still be Federal district called Washington, D.C., which would be under the control of Congress as the Constitution mandates. But it would be a smaller area encompassing the White House, the Capitol, the Supreme Court and the National Mall, where few people actually live. The rest of the current District of Columbia—diverse business districts and residential neighborhoods that are home to more than half a million U.S. citizens—would become a new State.

This is completely in accord with the principles and mandates of the Constitution and our Founding Fathers. Indeed, I think it is worth remembering why our Founding Fathers created a Federal district in the first place.

After the Revolutionary War, Philadelphia, PA, was the capital of the government formed by the Articles of Confederation. That Congress met in what we now know as Independence Hall in Philadephia.

In 1783, a mob of Revolutionary War veterans besieged Independence Hall, demanding promised payments for their service during the war. Congress asked the governor of Pennsylvania, John Dickinson, to call out the militia to defend the capital, but he sided with the veterans and refused.

Congress had to flee to Princeton, NJ.

This failure of a state government to protect the national government became a major concern of the Constitutional Convention in 1787 and it was decided the Constitution must create a Federal district that could be controlled and protected by the new Federal government.

But Article One, Section Eight of the Constitution, which created the Federal district, did not order a particular location. It only said only that it may not exceed ''10 miles square''—or 100 square miles.

The Residence Act of 1790 gave President Washington authority to pick the final site of the capital, and the site of the current Washington D.C. was chosen as a result of a compromise between Thomas Jefferson and Alexander Hamilton.

When John Adams moved into the White House in 1800, Washington, D.C. had a population of just 3,210 people—in a Nation of roughly 5 million. Even then the founders were concerned about voting rights for residents of the new capital. In the early days before the capital was fully established, its residents were allowed to vote in Maryland or Virginia. There were proposals to guarantee their suffrage going forward but unfortunately they did not get enacted amid the press to establish the new government. Certainly, though, it would have been unimaginable to the founders that a population of more than half a million in our capital city should be disenfranchised in the national legislature.

Yet that is the current reality. Now we are a Nation of more than 300 million and Washington, D.C. is a thriving community of 618,000 people. That's more people than Wyoming has and about the same as Vermont and North Dakota have, which, of course, have full representation in Congress. Acccording to the U.S. Census, Washington, D.C. is growing faster than all 50 States. Demographers expect it will only get bigger in the years to come because much of that growth has been with young people who want to raise families in the District.

The District of Columbia already functions as a state in many respects—indeed the Federal Government treats it as a State for purposes of most Federal programs.

More important, the residents of the District of Columbia have all the responsibilities of U.S. citizenship. They pay more Federal income tax per capita than residents of any state; D.C. residents and businesses send on average $20 billion to the Federal treasury each year. D.C. residents must serve on Federal juries and male residents must register for Selective Service. More than 190,000 D.C. residents have served in the military in wartime and about 1,700 have died for our country in the wars of the last century alone. All this occurred while the District's residents were denied voting representation in Congress.

The current inequity has even been noted by international bodies, including the United Nations Human Rights Commission, as a possible violation of international human rights accords.

It is long past time to give these American citizens who have chosen Washington as their home full participation in our democracy. People who live in D.C. are, of course, as American as people who live throughout our country—teachers, firefighters, doctors, janitors, parents, children, veterans, retirees. Why do their contributions to our democracy—financial and otherwise—merit rights and representation any less than those of their fellow citizens in the 50 states?

In sum, nothing in the Constitution prevents Congress from ceding this territory to a new State. There will still be a Federal district under Congressional control and protected by Federal authorities.

The voters of this new state will have the same rights we give voters in every other State, including those seven small states with populations under 1 million. If the idea seems strange, remember that many also once could not imagine full voting rights for women or racial minorities. It is the nature of civil rights that the disenfranchised must fight to gain acceptance of rights that, in retrospect, seem morally compelled and beyond question. We must right this injustice toward the residents of the District just as Congress historically has righted other voting injustices that stretched back to the very founding of the Nation.

I will soon leave Congress after having had the great privilege of serving here for 24 years. Securing full voting rights for the 600,000 Americans who live in the District of Columbia is unfinished business, not just for me, but for the United States of America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 625—RECOGNIZING THE JANUARY 12, 2013, OPENING OF THE UNITED STATES FREEDOM PAVILION: THE BOEING CENTER AT THE NATIONAL WORLD WAR II MUSEUM IN NEW ORLEANS, LOUISIANA, AND SUPPORTING PLANS FOR OTHER EDUCATIONAL PAVILIONS AND INITIATIVES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. ''Nick'' Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as ''America's National World War II Museum'';

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefront and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and

carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the ''man who won the war for us,'' in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the ''National World War II Museum'', has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the ''greatest generation'' because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the ''Arsenal of Democracy''; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as ''America's National World War II Museum'';

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

SENATE CONCURRENT RESOLUTION 65—CONGRATULATING THE NAVY AND THE CURRENT AND FORMER OFFICERS AND CREW OF THE U.S.S. ENTERPRISE (CVN 65) ON COMPLETION OF THE 25TH AND FINAL DEPLOYMENT OF THE VESSEL

Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 65

Whereas on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 25th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, is scheduled for inactivation in December 2012 after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 121 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 20 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 5 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. COBURN 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 3383. Mr. COBURN 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 3384. Mr. MCCAIN (for himself and Mr. COBURN) 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 3385. Mr. COBURN 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 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) 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 3392. Mr. CARDIN (for himself and Mrs. BOXER) 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 3393. 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 3394. Mr. BAUCUS (for himself and Mr. TESTER) 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 3395. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3397. Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3398. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3399. Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3400. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3403. Mr. LEAHY 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 3404. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) 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 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

TEXT OF AMENDMENTS

SA 3382. Mr. COBURN 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:

After section 1105, insert the following:

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue of the use of the contract.

SA 3383. Mr. COBURN 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:

On page 16, strike lines 17 through 20 and insert ''*Provided*''.

SA 3384. Mr. MCCAIN (for himself and Mr. COBURN) 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:

On page 82, lines 21 and 22, strike ''to remain available until expended: *Provided*,'' and insert ''to remain available until the earlier of the date on which such funds are expended or the date that is 2 years after the date of the enactment of this Act: *Provided*, That any funding provided under this heading that remains available for obligation or has been obligated but not yet spent as of the date that is 2 years after the date of the enactment of this Act shall be rescinded and returned to the Treasury for deficit reduction: *Provided further*, That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress pertaining to each project or program that describes how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further*,''.

SA 3385. Mr. COBURN 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:

On page 24, line 21, strike the period and insert the following: '': *Provided further*, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.''.

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her 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:

On page 32, strike line 19 and all that follows through page 33, line 16, and insert the following:

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance,

consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and 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.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her 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:

On page 16, strike lines 17 through 20 and insert ''*Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy and for which the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible is hereby authorized: *Provided*''.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her 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:

On page 45, strike lines 9 through 14 and insert the following:

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

''(1) waive notice and comment rulemaking requirements under title 5, United States Code, if the Administrator determines that such action is necessary to expeditiously implement this section; and

''(2) carry out the alternative procedures under this section as a pilot program.''.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her 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:

On page 38, strike lines 3 through 10 and insert the following:

''(d) EXPEDITED PROCEDURES.—

''(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

''(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

''(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

''(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.''.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her 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:

On page 49, line 5, insert '', consistent with applicable law'' after ''process''.

On page 49, line 10, insert before the first period '', consistent with applicable law''.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) 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:

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

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

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)), $6,000,000: *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'', $32,000,000 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) $5,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) $20,800,000 for mapping, charting, damage assessment, and marine debris coordination and re-mediation: *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'', $9,000,000, to remain available until September 30, 2015, to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy: *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.

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, $4,000,000, 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.

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

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $483,000,000, to remain available until September 30, 2014, to repair U.S. Army Corps of Engineers projects and dredge Federal navigation channels damaged by the impacts 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: *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'', $340,000,000, to remain available until September 30, 2014, to support emergency operations, repairs and other activities in response Hurricane Sandy as authorized by law: *Provided,* 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.

TITLE V

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $20,000,000, to remain available until September 30, 2014, 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: *Provided,* 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, $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.

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, $100,000,000, to remain available until expended, of which $90,000,000 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''.

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, $1,347,000: *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, $143,899,000, to remain available until September 30, 2014: *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.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

For an additional amount for the ''Disaster Relief Fund'' for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $5,379,000,000, to remain available until expended: *Provided,* That such amount 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.

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, 2014: *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 PROVISION—THIS TITLE

Sec. 601. (a) Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and (2) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1)—

''(A) clause (2) of the first sentence of such paragraph shall be applied, through September 30, 2017, by substituting '$25,725,000,000' for '$1,500,000,000'; and

''(B) effective upon the submission by the Administrator to the Congress of a plan for specific actions to be taken in connection with the flood insurance program under this title that will provide for the repayment of any amounts borrowed pursuant to this paragraph before the expiration of the 10–year period that begins upon the date of the enactment of this paragraph, a schedule for implementation of such actions, a schedule required under subsection (c) for such repayment, and a certification by the Administrator that the Administrator will adhere to such schedules, clause (2) of the first sentence of paragraph (1) shall be applied, through September 30, 2017, by substituting '$30,425,000,000' for 11,500,000,000'.''.

(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.

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, $64,000,000, to remain available until September 30, 2014: *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

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, including the full scope of repairs to the Statue of Liberty and Ellis Island, $190,000,000, to remain available until September 30, 2014: 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 September 30, 2014: 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.

ENVIRONMENTAL PROTECTION AGENCY

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 September 30, 2014: *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

For an additional amount for ''Employment and Training Administration Training and Employment Services'', $50,000,000 for the dislocated workers assistance national reserve, which shall be available from the date of enactment of this Act though 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, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINSITRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $350,000,000, 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 SSA, the distribution of such amount shall be limited to the States of New York and New Jersey: *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 the Secretary of Health and Human Services shall distribute such amount to the States of New York and New Jersey based on the number of registrants for Individual Assistance provided by the Federal Emergency Management Agency within the counties that received a Presidential major disaster declaration for the Federal Emergency Management Agency Individual Assistance related to Hurricane Sandy as of the date of enactment of this Act: *Provided further,* That in addition to other uses permitted by title XX of the SSA, funds appropriated in this paragraph may be used for health services (including mental health services), and costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *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 by 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, as amended.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $85,000,000, 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) of the Head Start Act: *Provided further,* That funds appropriated in this paragraph shall be available through September 30, 2014 for 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 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, as amended.

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 expenses related to Hurricane Sandy, $122,000,000, of which $100,000,000 is to remain available through September 30, 2014: *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 enactment of this Act may be charged to this apropriation: *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 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 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, as amended.

RELATED AGENCIES

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 an emergency requirement pursuant to section 251(b)(2)(A) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $20,457,000, 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.

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 September 30, 2017, 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 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, $444,300,000, 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

OPERATING SUBSIDY 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, $32,000,000, 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 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, $3,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, 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, and economic revitalization 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.), $2,000,000,000, to remain available until expended: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *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 farther*, 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 OFR 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(1): *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 Appropriations 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 chapter, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this chapter 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 Act 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''.

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) 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:

On page 70, lines 8 and 9, strike ''$810,000,000, to remain available until expended,'' and insert ''$820,000,000, to remain available until expended, of which $10,000,000 shall be made available to the Administrator of the Environmental Protection Agency to provide State grants for wetland restoration in areas affected by Hurricane Sandy, with the grants funds to be used to support flood mitigation and adaptation to changing hydrological conditions,''.

SA 3393. 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.

SA 3394. Mr. BAUCUS (for himself and Mr. TESTER) 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. _____. (a) As used in this section—

(1) the term ''applicant'' means an entity that is eligible to apply for assistance under a State public assistance grant under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the rules issued under that Act, as a result of the major disaster declaration of June 17, 2011 (44032 Federal Register (July 22, 2011)); and

(2) the terms ''FEMA'' and ''Administrator'' mean the Federal Emergency Management Agency and the Administrator thereof, respectively.

(b) FEMA shall obligate such Federal funds as are necessary, not later than 30 days after the date of submission of one or more Project Worksheets by an applicant, for engineering services related to the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the applicant on or after April 3, 2011.

(c) FEMA shall make final payment of the Federal share of projects submitted on Project Worksheets by applicants, other than the Worksheets identified in subsection (b), as soon as practicable after the date of enactment of this Act.

(d) Nothing in this section circumvents requirements to determine eligibility for funding under Part 206 of title 44, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SA 3395. Mr. REID 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 $34,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: *Provided further*, That using up to $15,000,000 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 that occurred in 2012 along the Gulf Coast and Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricanes Sandy and Isaac: *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 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 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 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.

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. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and 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.

LEVEES

SEC. 606. (a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''covered hazard mitigation land'' means land—

(A) acquired and deed restricted 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

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices and would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the Federal Government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use 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—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

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 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) EXPEDITED PROCEDURES.—

''(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

''(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

''(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

''(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the 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 notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section, and may 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, consistent with applicable law.

''(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, consistent with applicable law.''.

(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.

(l) 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, $500,000,000 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 Appropriations 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''.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID 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:

At the end, add the following new section:

Sec. _____

This Act shall become effective 7 days after enactment.

SA 3397. Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID 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:

In the amendment, strike ''7 days'' and insert ''6 days''.

SA 3398. Mr. REID 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:

At the end, add the following new section:

Sec. _____

This Act shall become effective 5 days after enactment.

SA 3399. Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID 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:

In the amendment, strike ''5 days'' and insert ''4 days''.

SA 3400. Mr. REID 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:

At the end, add the following new section:

Sec. _____

This Act shall become effective 3 days after enactment.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID 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:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID 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:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 3403. Mr. LEAHY 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. _____. Increased Embassy Security

Funds appropriated under the heading ''Administration of Foreign Affairs'' under Title VIII of Division I of Public Law 112–74 and as carried forward under Public Law 112–175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: *Provided,* That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 3404. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) 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 end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.

(a) COMPREHENSIVE POLICY REQUIRED.—

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

''§ 3698. Comprehensive policy on providing education information to veterans

''(a) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive

policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

''(b) SCOPE.—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

''(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

''(2) A centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that—

''(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

''(B) protects the privacy of students, including by not publishing the names of students; and

''(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

''(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b) information regarding the State approving agency's evaluation of an institution of higher learning.

''(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

''(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding postsecondary education and training opportunities available to the veteran or member.

''(c) POSTSECONDARY EDUCATION INFORMATION.—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes—

''(A) an explanation of the different types of accreditation available to educational institutions and programs of education;

''(B) a description of Federal student aid programs; and

''(C) for each institution of higher learning, for the most recent academic year for which information is available—

''(i) whether the institution is public, private nonprofit, or proprietary for-profit;

''(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

''(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

''(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(v) the tuition and fees;

''(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

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

''(viii) the total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

''(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; and

''(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv)).

''(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

''(3)(A) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

''(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

''(d) CONSISTENCY WITH EXISTING EDUCATION POLICY.—In carrying out this section, the Secretary shall ensure that—

''(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

''(2) the efforts of the Secretary to implement the comprehensive policy do not duplicate the efforts being taken by any Federal agencies.

''(e) COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

''(f) DEFINITIONS.—In this section:

''(1) The term 'institution of higher learning' has the meaning given that term in section 3452(f) of this title.

''(2) The term 'postsecondary education and training opportunities' means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.''.

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

''3698. Comprehensive policy on providing education information to veterans.''.

(b) SURVEY.—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

(1) A commercially available off-the-shelf online tool that allows a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities and whether the veteran or member would need any remedial preparation before beginning such opportunities.

(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

(1) a description of the policy developed by the Secretary under section 3698(a) of title 38, United States Code, as added by subsection (a);

(2) a plan of the Secretary to implement such policy; and

(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

(2) COMMERCIALLY AVAILABLE OFF-THE-SHELF.—The term ''commercially available off-the-shelf'' has the meaning given that term in section 104 of title 41, United States Code.

(3) POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.—The term ''postsecondary education and training opportunities'' means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS BY EDUCATIONAL INSTITUTIONS.

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

''(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education's enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).''.

SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or

certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.''.

SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

For fiscal year 2013, the Secretary of Veterans Affairs may not pay more than $395,000,000 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, 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 ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, as follows.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dignified Burial and Other Veterans' Benefits Improvement Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Scoring of budgetary effects.

TITLE I—CEMETERY MATTERS

Sec. 101. Furnishing caskets and urns for deceased veterans with no known next of kin.
Sec. 102. Veterans freedom of conscience protection.
Sec. 103. Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.
Sec. 104. Identification and burial of unclaimed or abandoned human remains.
Sec. 105. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans' cemeteries and from receiving certain funeral honors.
Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery by American Battle Monuments Commission.
Sec. 107. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

TITLE II—HEALTH CARE

Sec. 201. Establishment of open burn pit registry.
Sec. 202. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.
Sec. 203. Extension of reduced pension for certain veterans covered by medicaid plans for services furnished by nursing facilities.
Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

TITLE III—OTHER MATTERS

Sec. 301. Off-base transition training for veterans and their spouses.
Sec. 302. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.
Sec. 303. Designation of Trinka Davis Veterans Village.
Sec. 304. Designation of William ''Bill'' Kling Department of Veterans Affairs Outpatient Clinic.
Sec. 305. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.
Sec. 306. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

SEC. 2. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—CEMETERY MATTERS

SEC. 101. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

''(1) is unable to identify the veteran's next of kin, if any; and

''(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is one year after the date of the enactment of this Act.

SEC. 102. VETERANS FREEDOM OF CONSCIENCE PROTECTION.

(a) IN GENERAL.—Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall ensure that—

''(A) the expressed wishes of the next of kin or other agent of the deceased veteran are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

''(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be

used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

''(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased veteran may display any religious or other symbols chosen by the family.

''(2) Subject to regulations prescribed by the Secretary under paragraph (4), including such regulations ensuring the security of a national cemetery, the Secretary shall, to the maximum extent practicable, provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other nongovernmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased veteran whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

''(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall notify the next of kin or other agent of the deceased veteran of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

''(4) The Secretary shall prescribe regulations to carry out this subsection.''.

(b) INTERIM IMPLEMENTATION.—The Secretary may carry out paragraphs (1) through (3) of section 2404(h) of such title, as added by subsection (a), before the Secretary prescribes regulations pursuant to paragraph (4) of such section, as so added.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of section 2404(h) of such title, as added by subsection (a). Such report shall include a certification of whether the Secretary is in compliance with all of the provisions of such section.

SEC. 103. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors

''(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

''(1) Whether the deceased veteran was cremated.

''(2) The steps taken to ensure that the deceased veteran has no next of kin.

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

''(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

''(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

''2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.''.

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 104. IDENTIFICATION AND BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.

(a) IDENTIFICATION OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—The Secretary of Veterans Affairs shall cooperate with veterans service organizations to assist entities in possession of unclaimed or abandoned human remains in determining if any such remains are the remains of veterans or other individuals eligible for burial in a national cemetery under the jurisdiction of the Secretary.

(b) BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—

(1) FUNERAL EXPENSES.—Section 2302(a)(2) of title 38, United States Code, is amended by striking ''who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and''.

(2) TRANSPORTATION COSTS.—Section 2308 of such title is amended—

(A) by striking ''Where a veteran'' and all that follows through ''compensation, the'' and inserting ''(a) IN GENERAL.—The'';

(B) in subsection (a), as designated by subparagraph (A), by inserting ''described in subsection (b)'' after ''of the deceased veteran''; and

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

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

''(1) A veteran who dies as the result of a service-connected disability.

''(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

''(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to burials and funerals occurring on or after the date that is one year after the date of the enactment of this Act.

SEC. 105. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.

(a) PROHIBITION AGAINST.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A person—

''(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

''(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

''(C) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).''.

(b) CONFORMING AMENDMENTS.—Section 2411(a)(2) of such title is amended—

(1) by striking ''or (b)(2)'' each place it appears and inserting '', (b)(2), or (b)(4)''; and

(2) by striking ''capital'' each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

SEC. 106. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the agreement described in such subsection shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission—

(1) $5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

(2) amounts necessary to operate and maintain the cemetery described in subsection (a).

SEC. 107. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

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

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at national cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

TITLE II—HEALTH CARE

SEC. 201. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain an open burn pit registry for eligible individuals who may

have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(C) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense in carrying out paragraph (1).

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ''open burn pit'' means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SEC. 202. TRANSPORTATION OF BENEFICIARIES TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

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

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

''(a) TRANSPORTATION BY SECRETARY.—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.

''(2) The authority granted by paragraph (1) shall expire on the date that is one year after the date of the enactment of this section.''.

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

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

(2) redesignated as subsection (b);

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

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

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

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

SEC. 203. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''November 30, 2016''.

SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98–528; 38 U.S.C. 1712A note) is amended by striking ''through 2012'' and inserting ''through 2016''.

TITLE III—OTHER MATTERS

SEC. 301. OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES.

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(c) LOCATIONS.—

(1) NUMBER OF STATES.—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

(2) SELECTION OF STATES WITH HIGH UNEMPLOYMENT.—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

(3) NUMBER OF LOCATIONS IN EACH STATE.—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

(4) SELECTION OF LOCATIONS.—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(f) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.

SEC. 302. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN 50 MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 is amended to read as follows:

''§ 7255. Offices, duty stations, and residences

''(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

''(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

''(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge's official duty station.

''(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

''(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7255 and inserting the following new item:

''7255. Offices, duty stations, and residences.''.

(b) REMOVAL.—Section 7253(f)(1) is amended by striking ''or engaging in the practice of law'' and inserting ''engaging in the practice of law, or violating section 7255(c) of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

SEC. 303. DESIGNATION OF TRINKA DAVIS VETERANS VILLAGE.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180

Martin Drive in Carrollton, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Trinka Davis Veterans Village''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Trinka Davis Veterans Village''.

SEC. 304. DESIGNATION OF WILLIAM ''BILL'' KLING DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall after the date of the enactment of this Act be known and designated as the ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic''.

SEC. 305. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be deemed to be a reference to the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

SEC. 306. DESIGNATION OF DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be known and designated as the ''David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the ''David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 19, 2012, at 8:30 a.m., to hold a briefing entitled, ''Accountability Review Board''.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The State of the Right to Vote After the 2012 Election.''

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS ON CONSUMER PROTECTION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., to conduct a hearing entitled ''Making Sense of Consumer Credit Reports.''

The PRESIDING OFFICER. With objection, it is so ordered.

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

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

IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4057 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that the Murray substitute amendment which is at the desk be agreed to; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any related statements be printed in the RECORD.

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

The amendment (No. 3405) was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4057), as amended, was read the third time and passed.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, H.R. 6029.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that a Kohl-Lee substitute amendment which is 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 the bill be printed in the RECORD.

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

The amendment (No. 3406) 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 ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or

attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6029), as amended, was read the third time and passed.

MEASURES DISCHARGED

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills en bloc and that the Senate proceed to their consideration en bloc: H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, H.R. 5954, S. 3630, and S. 3662.

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

Mr. MERKLEY. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The bills (H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, and H.R. 5954) were ordered to a third reading, were read the third time and passed.

The bills (S. 3630 and S. 3662) were ordered to be engrossed for a third reading, were read the time and passed, as follows:

S. 3630

(To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office'')

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

SECTION 1. CAPTAIN RHETT W. SCHILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the ''Captain Rhett W. Schiller Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Captain Rhett W. Schiller Post Office''.

S. 3662

(To designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the ''Lieutenant Ryan Patrick Jones Post Office Building'')

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 ''Lieutenant Ryan Patrick Jones Post Office Designation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) First Lieutenant Ryan Patrick Jones volunteered to serve the United States in the Army.

(2) Lieutenant Jones earned his rank, the Army Achievement Medal, the Purple Heart, the Bronze Star, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge through his dedication to the highest ideals of the United States.

(3) Lieutenant Jones chose from a young age to generously volunteer his talents to his community, and was recognized with academic, social, and athletic leadership positions throughout his life.

(4) Lieutenant Jones committed himself to excellence in all aspects of his life, including earning a Bachelor of Science degree, with honors, in civil and environmental engineering.

(5) While earning his engineering degree at Worcester Polytechnic Institute, Lieutenant Jones was awarded a Reserve Officers' Training Corps scholarship.

(6) Lieutenant Jones faithfully and expertly led his fellow soldiers as a platoon leader in the Army's First Infantry Division while deployed to Iraq in 2007.

(7) Lieutenant Jones made the ultimate sacrifice for the United States on May 2, 2007, when he was killed in action by an improvised explosive device set by the enemy.

(8) Lieutenant Jones' life of service, courage, and honor was made possible by his dedicated parents, Mr. Kevin Jones and Mrs. Elaine Jones, who reside in Westminster, Massachusetts.

(9) Mr. and Mrs. Jones organized the shipment of supplies to soldiers serving alongside their son, thereby supporting the morale of the members of the Armed Forces.

(10) Before entering combat, Lieutenant Jones made arrangements to ensure that his life insurance policy proceeds would become a scholarship fund to benefit others, a request that Mr. and Mrs. Jones fulfilled.

(11) Lieutenant Jones is remembered by his family, his friends, and the people of the United States as a role model for his fellow citizens to emulate.

(12) Lieutenant Jones' spirit of generosity has been commemorated by organizations ranging from the Commonwealth of Massachusetts to the Boston Celtics.

(13) It is fitting that the life of Lieutenant Jones should be further memorialized for future generations by naming the post office in Westminster, Massachusetts, in his honor.

SEC. 3. LIEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, shall be known and designated as the ''Lieutenant Ryan Patrick Jones Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Ryan Patrick Jones Post Office Building''.

DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 537, S. 2318.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of State Rewards Program Update and Technical Corrections Act of 2012''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

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

(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

(C) individuals who have been indicted by certain international criminal tribunals.

(2) The Department of State considers the rewards program to be ''one of the most valuable assets the U.S. Government has in the fight

against international terrorism''. Since the program's inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

SEC. 3. ENHANCED REWARDS AUTHORITY.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting ''serious violations of international humanitarian law, transnational organized crime,'' after ''international narcotics trafficking,'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''heads of other relevant departments or agencies'';

(B) in paragraphs (4) and (5), by striking ''paragraph (1), (2), or (3)'' both places it appears and inserting ''paragraph (1), (2), (3), (8), or (9)'';

(C) in paragraph (6)—

(i) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(ii) by striking ''or'' at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking '', including the use by the organization of illicit narcotics production or international narcotics trafficking'' and inserting ''or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking'';

(ii) in subparagraph (A), by inserting ''or transnational organized crime'' after ''international terrorism''; and

(iii) in subparagraph (B)—

(I) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

''(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

''(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

''(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.'';

(3) in subsection (g), by adding at the end the following new paragraph:

''(3) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.''; and

(4) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

''(5) TRANSNATIONAL ORGANIZED CRIME.—The term 'transnational organized crime' means—

''(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

''(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

''(6) TRANSNATIONAL ORGANIZED CRIME GROUP.—The term 'transnational organized crime group' means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.''.

SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking ''The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.''.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 22 U.S.C. 7421 et seq.).

SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

Mr. MERKLEY. I further ask the committee-reported substitute amendment be agreed to, the bill as amended be read a third time, and the Senate immediately proceed to a voice vote on passage of the bill as amended.

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

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the bill as amended.

The bill (S. 2318), as amended, was passed.

Mr. MERKLEY. I further ask the motion to reconsider be made and laid upon the table, without any intervening action or debate and any statement be printed in the RECORD.

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

DIGNIFIED BURIAL OF VETERANS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Veterans' Affairs Committee be discharged from further consideration of S. 3202, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3202) to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the Murray substitute amendment at the desk be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 3407) was agreed to.

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

The bill (S. 3202), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING VETERANS ACCESS TO FEDERAL SURPLUS PERSONAL PROPERTY

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 3698, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3698) to amend title 40, United States Code, to improve veterans service organizations access to federal surplus personal property.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3698) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3698

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 ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2012'' or the ''FOR VETS Act of 2012''.

SEC. 2. VETERANS ACCESS TO FEDERAL EXCESS AND SURPLUS PERSONAL PROPERTY.

Section 549(c)(3) of title 40, United States Code, is amended—

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

(2) in subparagraph (B)—

(A) in clause (viii), by adding ''or'' at the end; and

(B) by striking clause (x); and

(3) by adding at the end the following:

''(C) for purposes of providing services to veterans (as defined in section 101 of title 38), to an organization whose—

''(i) membership comprises substantially veterans; and

''(ii) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

OBSERVING THE 100TH BIRTHDAY OF ROSA PARKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 618 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 618) observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, over a half century ago, Rosa Parks sparked a revolution in American race relations when she decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws requiring blacks to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom she would have her confrontation years later.

Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefitted immeasurably. The bus boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

February 4, 2013, marks the 100th Anniversary of the birth of Rosa Parks. In recognition of this occasion, I am immensely proud to be joined by 56 bipartisan cosponsors of S. Res. 618, which was just adopted unanimously by the Senate, observing the 100th birthday of Rosa Parks and commemorating her legacy. I am especially pleased to have had the input of Senators STABENOW, SESSIONS, and ALEXANDER in the crafting of this resolution, which is befitting one who so significantly contributed to the breaking down the barriers of legal discrimination against African Americans, and equality for us all.

Although Rosa Parks will be forever associated with one day in Montgomery, AL, she lived most of her life in my home state of Michigan, and we proudly claim her as our own. She continued to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, Rosa Parks and Elaine Steele co-founded the Rosa and Raymond Parks Institute for Self-Development. Its primary focus has been working with young people from across the country and the world as part of the ''Pathways to Freedom'' program. With the work of the Institute, we can truly say that in addition to having played a major role in shaping America's past and present, Rosa Parks is continuing to help shape America's future.

In the spirit of the enormous contributions of Rosa Parks to this Nation, the Henry Ford Museum of Dearborn, MI will commemorate the 100th birthday of Rosa Parks by calling for a national day of courage; and sponsoring a program that highlights her contributions to the civil rights movement. The activities will include a daylong celebration, with both virtual and on-site activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of ''Rosa's Story'' and a reading of the tale ''Quiet Strength,'' and will feature the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up.

Mr. President, in November of 2005, upon her passing, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was presented with the highest honor of Congress, the Congressional Gold Medal, of which I was pleased to coauthor. I was also pleased to be a part of the effort in directing the Architect of the Capitol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Mr. President, the cosponsors of the resolution are: Senators STABENOW, SESSIONS, ALEXANDER, LANDRIEU, COCHRAN, HARKIN, SHELBY, CORNYN, BOXER, MURRAY, COBURN, KERRY, HUTCHISON, GILLIBRAND, Mr. LEAHY, SANDERS, REID, MIKULSKI, DURBIN, PRYOR, NELSON of Florida, BROWN of Ohio, LIEBERMAN, Mr. CONRAD, LAUTENBERG, KOHL, CANTWELL, MCCASKILL, WYDEN, COONS, BAUCUS, WHITEHOUSE, MANCHIN, BENNET, CARDIN, HAGAN, CASEY, BEGICH, MENENDEZ, WARNER, UDALL of New Mexico, KLOBUCHAR, INOUYE, CORKER, JOHNSON of South Dakota, FRANKEN, ROCKEFELLER, UDALL of Colorado, BLUMENTHAL, AKAKA, REED, SHAHEEN, WEBB, MCCAIN, LUGAR, and GRASSLEY.

Mr. LEAHY. Mr. President, I am pleased the Senate will agree to S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks, and commemorating her legacy. It is hard to believe that 57 years have passed since Rosa Parks refused to give up her seat on a public bus, a heroic act for a young woman from Tuskegee, AL, who joined so many in the fight for civil rights. I am proud of the progress this country has made toward equality for all, in large part thanks to the work and inspiration of leaders like Rosa Parks, although we as a Nation have more work to do.

Rosa's brave act of defiance inspired a city-wide boycott and national movement, and she remains an important symbol of the civil rights movement to this day. Her legacy reminds Vermonters and Americans all over the country that one brave voice or action can shine a light on injustice and challenge society to accept nothing less than freedom and equality for all mankind.

In 2006 I was proud to work to reauthorize one of the most important civil rights laws in our history and to have that voting rights legislation bare Rosa Parks' name. Unfortunately, some are trying to overturn that protective and important law despite the continuing threat to the right to vote. As we commemorate her birth 100 years ago, I hope we can all agree that threats to civil rights are not a relic of the past. To honor Rosa Parks' memory, we must continue to fight to ensure that all Americans can vote and have their vote counted. I thank Senator LEVIN for submitting this resolution and am proud to join him in commemorating the legacy of Rosa Parks.

Mr. MERKLEY. Mr. 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 be placed in the RECORD.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 618

Whereas Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

Whereas Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom;

Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for

refusing to give up her seat on a bus to a White man, and her stand for equal rights became legendary;

Whereas news of the arrest of Rosa Parks resulted in approximately 42,000 African-Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation law was changed on December 21, 1956;

Whereas the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

Whereas the civil rights movement led to the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241), which broke down the barrier of legal discrimination against African-Americans and made equality before the law a reality for all people of the United States;

Whereas Rosa Parks has been honored as the ''first lady of civil rights'' and the ''mother of the freedom movement'', and her quiet dignity ignited the most significant social movement in the history of the United States;

Whereas, in 1987, Rosa Parks and her close associate Elaine Steele cofounded the Rosa and Raymond Parks Institute for Self Development to motivate and direct youth to achieve their highest potential through Rosa Parks' philosophy of ''quiet strength'' and cross-cultural exposure for nurturing a global and inclusive perspective;

Whereas Rosa Parks was the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Congressional Gold Medal, the Spingarn Award, which is the highest honor of the National Association for the Advancement of Colored People for civil rights contributions, and the Presidential Medal of Freedom, which is the highest civilian honor in the United States, and was named one of the 20 most influential and iconic figures of the 20th century;

Whereas Rosa Parks sparked one of the largest movements in the United States against racial segregation, and by her quiet courage symbolizes all that is vital about nonviolent protest because of the way she endured threats of death and persisted as an advocate for the basic lessons she taught the people of the United States;

Whereas Rosa Parks and her husband Raymond Parks relocated to Michigan in 1957, and remained in Michigan until the death of Rosa Parks on October 24, 2005;

Whereas, on Tuesday, October 26, 2005 the United States Senate adopted a Resolution expressing its condolences on the passing of Rosa Parks, and honored her life and accomplishments;

Whereas, in recognition of the historic contributions of Rosa Parks, her remains were placed in the rotunda of the Capitol from October 30 to October 31, 2005, so that the people of the United States could pay their last respects to this great American;

Whereas, in November 2005, Congress authorized the Joint Committee on the Library to procure a statue of Rosa Parks to be placed in the Capitol;

Whereas the United States Postal Service will issue a stamp in February 2013 to honor Rosa Parks and her courage to act at a pivotal moment in the civil rights movement;

Whereas, the bus on which Rosa Parks sparked a new era in the American quest for freedom and equality is one of the most significant artifacts of the American civil rights movement and is on permanent display in the Henry Ford Museum in Dearborn, Michigan;

Whereas, on February 4, 2013, the Henry Ford Museum, will commemorate the 100th birthday of Rosa Parks by calling for a National Day of Courage and sponsoring a program that highlights her contributions to the civil rights movement, including a daylong celebration, with both virtual and onsite activities featuring nationally recognized speakers, musical and dramatic interpretative performances, a panel presentation of ''Rosa's Story'' and a reading of the tale ''Quiet Strength'', featuring the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up; and

Whereas the Rosa Parks Museum at Troy University and the Mobile Studio will commemorate the birthday of Rosa Parks with the 100th Birthday Wishes Project, culminating on February 4, 2013, with a 100th birthday celebration at the Davis Theatre for the Performing Arts in Montgomery, Alabama, where 2,000 birthday wishes submitted by individuals throughout the United States will be transformed into 200 graphic messages: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 100th birthday of civil rights icon Rosa Parks; and

(2) commemorates the legacy of Rosa Parks to inspire all people of the United States to stand up for freedom and the principles of the Constitution.

Mr. MERKLEY. Mr. President, I ask that Senator WEBB be added as a cosponsor.

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

OPENING OF THE UNITED STATES FREEDOM PAVILION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 625 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. 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 relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. ''Nick'' Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as ''America's National World War II Museum'';

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefront and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the ''man who won the war for us,'' in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the ''National World War II Museum'', has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the ''greatest generation'' because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand

the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the ''Arsenal of Democracy''; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as ''America's National World War II Museum'';

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2014, Dennis C. Shea of Virginia for a term expiring December 31, 2014, and James M. Talent of Missouri, for a term expiring December 31, 2013.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014.

ORDERS FOR THURSDAY, DECEMBER 20, 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, December 20, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

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

PROGRAM

Mr. MERKLEY. Tonight the majority leader filed cloture on the substitute amendment and the emergency supplemental bill. We will work on an agreement for amendments to the bill. The filing deadline for all first-degree amendments is 1 p.m. tomorrow.

Senator INOUYE will lie in state in the Capitol Rotunda tomorrow. Senators will gather in the Senate Chamber at 9:35 a.m. tomorrow morning to proceed to the viewing together.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:21 p.m., adjourned until Thursday, December 20, 2012, at 11 a.m.

EXTENSIONS OF REMARKS

DEPARTMENT OF LABOR ACTIVITIES ON OREGON FARMS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WALDEN. Mr. Speaker, following is the letter I referred to earlier today.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 17, 2012.

Hon. HILDA L. SOLIS,
Secretary, U.S. Department of Labor, Washington, DC.

DEAR MADAM SECRETARY: In the last two weeks, we have received reports about Department of Labor (DOL) activities on Oregon farms which raise significant questions. Specifically, we have been made aware of three issuances of ''hot goods'' orders (HGO) by DOL to sanction violations of the Fair Labor Standards Act (FLSA) since August 2nd. Depending on the case, these HGOs can prevent perishable farm products from being shipped off-farm, and effectively shut down harvest activity while the order is in place. We absolutely do not condone violations of the FLSA. However, in a phone call with Congressman Kurt Schrader and DOL representatives on Monday, August 13th, 2012, the DOL asserted that a HGO could only be considered after thorough investigation, due process opportunities for response by the employer, and a finding that the violations were willful, egregious, and/or repeated. Indeed, DOL's website states that restraining the shipment of goods is to be used after a thorough process:

''When all the fact-finding steps have been completed, the employer and/or the employer's representative will be told whether violations have occurred and, if so, what the violations are and how to correct them. If back wages are owed, the employer will be asked to pay the back wages and the employer may be asked to compute the amounts due. . . . In the absence of an employer voluntarily correcting the violations, the Wage and Hour Division may seek to restrain the shipment of the goods.''

We are concerned that Oregon farmers have presented us with a narrative and supporting documentation that indicates that DOL may have abandoned the normal due process mechanisms and remedies in favor of a significant sanction. In one case, a farmer was told that the HGO would only be lifted after a large sum was paid to DOL and after he signed a consent judgment. The consent judgment included a waiver of any recourse if findings of fact or law later exonerated him. It required a waiver of the right to contest the finding. All this took place before the farmer was ever informed in writing what the alleged violations were.

We are not asking you to address these specific cases and cannot verify their credibility, but rather, we are writing to ask you for additional clarification of DOL procedures and practices for issuing HGOs on agricultural enterprises and enforcing the FLSA, including:

Is it the policy of the DOL to not disclose alleged violations to employers before issuing hot goods orders?

What test or standard is the DOL using to determine the need for a hot goods order?

Why does the DOL ask employers to waive rights for future findings of fact or law in its consent judgments?

What opportunity is there for an employer to respond without having his/her perishable crop under threat?

On farms and elsewhere throughout the economy, DOL serves a vital function in communicating and enforcing rules and laws to protect all working people. Statutes and rules give the Department the tools necessary to apply remedies commensurate with the severity and/or frequency of violations of the law. It is our hope that the fairness and due process provided by law is available to all employers and employees alike.

Please consider this request consistent with all applicable laws and regulations. We thank you for your consideration and look forward to your response.

Sincerely,

KURT SCHRADER.
PETER DEFAZIO.
RON WYDEN.
GREG WALDEN.
JEFF MERKLEY.
SUZANNE BONAMICI.

IN RECOGNITION OF SAN MATEO COUNTY SUPERVISOR ROSE JACOBS GIBSON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor San Mateo County Supervisor Rose Jacobs Gibson upon her retirement from the San Mateo County Board of Supervisors.

While on the board, Supervisor Gibson initiated the East Palo Alto Crime Reduction Task Force, a collaborative effort between law enforcement and community groups. This effort successfully reinforced the accomplishments of her city service and led to the adoption of additional measures to reduce violence. Today, this task force stresses four strategies to create a healthier East Palo Alto: Prevention, Intervention, Enforcement, Sustainability. These are all strategies championed by Rose Jacobs Gibson and they include the activities of community clean ups, gang intervention, a Police Activities League, and a re-entry program for ex-offenders. East Palo Alto is a healthier place for all residents thanks to Rose Jacobs Gibson and her leadership.

Supervisor Gibson also continued her efforts to reduce crime by helping to create the Domestic Violence Council. The council is a permanent instrument to educate policymakers in our county about this critically important subject. She co-chaired the first Women's Criminal Justice Summit, a forum that identified many ways that existing resources could be used to improve the outcomes of our criminal justice system. She is a strong advocate for programs that prepare incarcerated women to lead independent, productive lives once they re-enter the community.

Supervisor Gibson sits on the board of the Housing Endowment and Regional Trust (HEART) of San Mateo County and is a policy leader in the development of affordable housing within our community. HEART has assisted in developing nearly every major affordable housing development in our county since its founding. Supervisor Gibson was instrumental in designing San Mateo County's housing element and can always be counted upon to advocate for the elemental right to decent housing for every human being.

Public health has always been a significant part of Supervisor Gibson's agenda. She initiated a countywide summit on health disparities, an event that led to the creation of several health-focused task forces. The task forces, in turn, identified strategies to reduce childhood obesity and drug and alcohol abuse. As one example of a brick-and-mortar impact in our community, the Ravenswood Family Health Clinic was founded in East Palo Alto as a result of a team of advocates, including most notably Supervisor Gibson. This facility is a linchpin in community healthcare in East Palo Alto.

Rose also served on the East Palo Alto City Council from 1992 to 1999. She was Mayor in 1995 and 1996. She and her many allies in the community were instrumental in reducing the crime rate and in helping to restore community faith in law enforcement.

While on the city council, Rose Jacobs Gibson supported the shutdown of a toxic chemical plant and as a member of the Board of Supervisors she demanded an investigation of toxic contaminants in our county parks. She regularly worked with our transportation agency to improve public transit for her district's residents and she worked as a member of a team of community leaders to secure funding and approvals for school improvements throughout her district.

Rose Jacobs Gibson will be remembered fondly in San Mateo County as a leader who was eloquent and forceful, gracious and principled, visionary and practical. San Mateo County has been the beneficiary of Supervisor Gibson's public service at so many levels and in so many ways that it is difficult to sum up the achievements of a lifetime in a single recitation of her accomplishments. I respectfully end these comments with a simple observation about Rose Jacobs Gibson: She has left her mark, and generations yet to come will live better lives because of her service.

IDENTIFY TROUBLED YOUTH NEEDING HELP AND SUPPORT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include two articles from the USA Today newspaper, one entitled "A Boy Lost in the Shadows", and another, "Newtown Puts Mental Services in Spotlight."

These articles remind me of a conversation a few years ago with a caring grade school teacher from my own district who became quite frustrated with the local school system's inability to help her manage the behavior of a child in her elementary classroom. The child, several times a day, became uncontrollable, moving about the classroom, throwing tantrums, screaming loudly, often falling to the floor, thus causing great confusion in the class. Despite the teacher's repeated attempts to help the child, it became obvious professional help was needed. A complicating factor became family members who were in denial that anything out of the ordinary was actually occurring with the child, despite the constant disruption, acting out, anger, and anti-social behavior the child was demonstrating. After repeated attempts that took three years, and let me emphasize three years, the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment. That situation alone made me wonder about the manner in which we as a society make help available to children who exhibit destructive behaviors that are harmful to themselves and potentially to others.

Mr. Speaker, as a society, we seem to lack the methods to identify troubled youth and put them on a proper path to healing, if healing is possible. Too often, a child is left floundering due to our collective inabilities to help them find a constructive path forward. For example, many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated from their surroundings. Some families, too, seem unaware of their child's behaviors as unusual or potentially destructive. As the article I inserted in the RECORD yesterday reports, some parents are so overwhelmed in caring for children with special behavioral conditions, they simply don't know what else to do. Then again, too often there is no one to call to help.

Through the Commission President Obama proposed be formed to address the conditions that led to Newtown's tragedy, surely that Commission should invite a cross section of Americans to share their knowledge about what led to the mass killings that have harmed so many in our nation over the past decade, and what we must do as a society to prevent future tragedies. We can all envision a future where the incredible intelligence and goodwill of the citizens of our nation can lead us to a better day if we provide a forum to listen carefully to the voices among us who grapple with these challenges daily.

[From USA Today, December 17, 2012]

A BOY LOST IN THE SHADOWS

(By Donna Leinwand Leger and Yamiche Alcindor)

SANDY HOOK, CONN. Adam Lanza left only the faintest impression on classmates, neighbors and the people of Newtown before he killed his mother and shot his way into Sandy Hook Elementary, where he killed 20 children and six teachers before turning the gun on himself.

Lanza, 20, skulked through the hallways of Newtown High School in over-sized button-down shirts, eyes perpetually downcast. His name appears a few times on the honor roll published in the weekly Newtown Bee, but his picture is absent from The Newtown Nighthawk yearbook.

''He was very withdrawn,'' said Tracy Dunn, 20, who graduated from Newtown High School in 2010, Lanza's class.

Dunn, a junior at Massachusetts College of Pharmacy and Health Sciences, said she never saw him talk with anyone or hang out with friends. He spent time with computers and cameras in the technology room and belonged to the Tech Club.

''He would always have his head down walking to class with his briefcase—kind of scurrying.'' she said. ''He never sat down or said anything to kids at this locker. He was just there in the background.''

Andrew Lapple, who sat next to Lanza in homeroom their senior year at Newtown High, told the Hartford Courant that Lanza ''never really talked at all'' and walked the corridors at school clutching his laptop.

''He walked down the halls, against the wall almost like he was afraid of people,'' Lapple said. ''He was definitely kind of strange, but you'd never think he'd do something like this.''

Lanza grew up in Sandy Hook in a sprawling colonial house with his parents, Nancy and Peter, and an older brother, Ryan, 24. His parents divorced in 2009 after a long separation, and his father has remarried. Family friends and relatives say much of his education was home schooling by his mother.

He attended Reed Intermediate School for sixth grade and appears in a 2003 yearbook photo. In the a 2005 yearbook for Newtown Middle School, he's listed with the seventh grade without a picture under ''camera shy,'' but he isn't listed in the eighth-grade class the next year. His name surfaces at Newtown High School in 2008 as a sophomore.

Marsha Moskowitz of Sandy Hook drove the school bus that took Lanza to Newtown Middle. She remembers him as ''quiet, shy and reserved.''

His mother clashed with school officials and eventually removed Adam from public school and home-schooled him, her former sister-in-law, Marsha Lanza of Chicago, told a CBS News affiliate.

Lanza had trouble with her youngest son for years, and her friend Louise Tambascio, owner of My Place Pizza & Restaurant. He was diagnosed with a disorder on the autism spectrum called Asperger syndrome, she said. Psychologist Elizabeth Laugeson, an assistant clinical professor at the University of California-Los Angeles, had no knowledge of Adam Lanza's case but said, ''There really is no clear association between Asperger's and violent behavior.''

Nancy Lanza stopped into My Place once or twice a week but rarely talked about her younger son, Tambascio said. Ryan, the older son, bused table at the restaurant for two years. He is outgoing and personable, she said. The brothers haven't spoken in two years, she said.

''Ryan who was the complete opposite of his brother,'' she said. Adam ''always had his face down. He would never look you in the eye.''

Police say the three guns used in the massacre were purchased legally and registered to Nancy Lanza, whom friends described as a gun and shooting aficionado. Tambascio said shooting was ''a hobby.''

She ''had nothing to do with what her son did. She's a good person, goodhearted. She would do anything for you,'' Tambascio said.

Nancy Lanza ''liked the single-mindedness of shooting,'' her landscaper, Dan Holmes told The Washington Post, Holmes said she mentioned taking her son to the firing range to practice. Holmes never entered the house or saw her son, but she did once bring an antique rifle outside to show him, he told the Post.

The shooter's father, Peter Lanza of Stamford, said the family is ''in a state of disbelief.''

''We, too, are asking why,'' he said in a written statement. ''Like so many of you, we are saddened, but struggling to make sense of what has transpired.''

The Lanzas' neighbors on Yogananda Street say it's puzzling that on such a close-knit block where residents throw barbecues for newcomers, so few of them knew Adam Lanza or had ever seen him.

''It's a mystery. Nobody knows them, which is odd for this neighborhood,'' Len Strocchia said. ''Everyone knows each other through the children, the school bus. The community here is kids.''

Neighbor Dave Lapp said he had little to tell the FBI and State Police when they called on Friday night. ''We walked by their house with the dog every day, and we don't know them. We've never even seen them,'' Lapp said.

Dunn, Adam Lanza's classmate, fears that may have been at the root of the problem.

''Maybe if someone had tried to reach out to Adam—maybe he needed a friend. Maybe this wouldn't have happened,'' Dunn said. ''He's just one kid who slipped through the cracks.''

[From USA Today, December 17, 2012]

NEWTOWN PUTS MENTAL SERVICE IN SPOTLIGHT

(By Liz Szabo)

Families and doctors who treat the mentally ill say they hope Friday's tragedy in Newtown, Conn., will refocus the nation's attention on improving mental health services.

Police have not released details about the motives or mental state of shooter Adam Lanza. But perpetrators of similar mass shootings—at Virginia Tech, Northern Illinois University and an event in Tuscon for former congresswoman Gabrielle Giffords—all had serious mental health conditions.

''We wait for things like this to happen and then everyone talks about mental health,'' says Priscilla Dass-Brailsford, an associate professor of psychology at Georgetown University Medical Center. ''But they quickly forget.''

There are hundreds of multiple-casualty shootings a year, says forensic psychologist Dewey Cornell, director of the Virginia Youth Violence Project. People have become so desensitized that they pay no attention, he says, yet mental illness contributes to domestic violence, child abuse, drug addiction, homelessness and incarceration. Investing in mental health care could help prevent tragedies, he says.

''Mental health has shrunk down to the level of short-term crisis management,'' Cornell says. ''We can't think about the gunman in the parking lot and what to do with him. We have to get involved a lot earlier.''

Schools and communities ''have cut their mental health services to the bone. We're paying a price for it.''

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

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today with a heart full of sorrow over the horrific violence at Sandy Hook Elementary School in Newtown, Connecticut, which

claimed the innocent lives of twenty children and six school employees. The loss of life and innocence at Sandy Hook is a tragedy over which all Americans mourn, and the thoughts and prayers of Americans everywhere go out to all the victims and their families.

This tragedy represents the fourth time the Nation has been horrified to learn that innocent lives have been ended by gun violence in the past few months. I believe the time has come—indeed, the time has long passed—for this Nation to reevaluate the accessibility and control, in particular, of military assault weapons in our country.

I therefore call upon the President and the Congress to place sensible gun control legislation at the top of their legislative agenda, beginning with the reposition of the expired assault weapons ban. Although such action cannot undo last week's tragedy, I believe it will help to prevent a similar occurrence in the future. For the sake of those lost in Connecticut and all Americans who mourn, we should act without delay.

Words cannot express the deep grief of the families and loved ones of the victims, nor can they properly offer comfort. My thoughts and prayers are with the children, parents, teachers, staff members, and families affected by the violence. I ask my colleagues to join me in a moment of silence.

IN RECOGNITION OF BRUCE BODAKEN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor my friend and true visionary Bruce Bodaken, who many years ago brought his passion to expand health insurance coverage to all Americans to Blue Shield of California. Bruce is now retiring after a remarkable ten-year tenure of outstanding service as Chairman, President and CEO of Blue Shield.

Bruce is not your typical health plan CEO. In fact, I was prepared not to like him when we first met more than ten years ago. He has a Masters degree in philosophy and was teaching that subject at the University of Colorado when he shifted his career to health care. The man who will take over Bruce's role in January 2013, Paul Markovich, currently COO of Blue Shield, calls him their ''resident philosopher.''

Under Bruce's leadership, Blue Shield became one of the fastest growing health plans in California, with a total membership today of 3.3 million and 4,800 employees. In 2002, Bruce was the first health plan CEO in the country to propose a plan for universal coverage. His plan became a template for the Affordable Care Act enacted by Congress in 2010. I share Bruce's belief that health care is a right, not a privilege.

Bruce launched the Blue Shield of California Foundation which has given over $150 million in grants during the last five years to support community clinics, children's health initiatives, domestic violence programs, leadership training and policy research. It was named one of the country's 20 most generous corporate foundations by BusinessWeek in 2010.

In a remarkable move, Bruce oversaw the company's precedent setting step to cap profits at two percent of revenue and return the differences to its customers. Last year that difference amounted to almost $500 million.

Bruce also serves on the board and executive committee of America's Health Insurance Plans (AHIP) and the BlueCross and BlueShield Association board. He is a member of the Institute of Medicine's Roundtable on Value & Science-Driven Health Care and serves on the board of directors of the California Business Roundtable, WageWorks, and the University of California, Berkeley's Health Services Management Program.

He joined Blue Shield in 1994 as president and chief operating officer. Previously, he served as senior vice president and associate chief operating officer of FHP International Corporation in Southern California.

A native of Iowa, Bruce earned his BA from Colorado State University and his MA from the University of Colorado, both in philosophy.

Bruce says that his education has deeply influenced his career and world perspective. When he received the Lifetime Achievement Award from the San Francisco Business Times this year, he said that his training in philosophy, logic, communications and thinking about big questions had an application particularly in a world that was changing to a new model of health care.

In his retirement, Bruce is looking forward to dedicating more time to his family and friends and his favorite past time—tennis.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Bruce Bodaken, a compassionate leader, big thinker and tireless advocate. His fight to cover all the uninsured isn't over and hasn't always been easy, but he will not give up. His commitment reminds me of something his most inspirational icon, Nelson Mandela, once said: ''When the water starts boiling, it is foolish to turn off the heat.''

CELEBRATING THE 85TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. ROHRABACHER. Mr. Speaker, we join the people of Thailand in commemorating the 85th birthday of His Majesty King Bhumibol Adulyadej of Thailand on December 5, 2012.

During King Bhumibol's 66 year reign, he has continued to foster a strong partnership with the United States. As a great source of tranquility in the country, he has helped Thailand strengthen its friendship with the United States while becoming an example of democracy and economic development in Southeast Asia. Next year, we look forward to celebrating the 180th anniversary of America's bilateral relationship with Thailand since the signing of the Treaty of Amity and Commerce.

King Bhumibol's life work has been dedication to the fulfillment of his coronation oath: ''We shall reign with righteousness for the benefit and happiness of the Siamese people.'' Today we applaud his righteousness and his many accomplishments that have brought peace, stability, and prosperity to the people of Thailand. It is known that His Majesty is a talented musician, and today we recognize he has replaced discord with harmony throughout his life.

It is my pleasure to join our Thai friends in celebrating this important occasion, and extend my best regards to His Majesty for his good health and a happy birthday.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. SMITH of Washington. Mr. Speaker, on Monday, December 17, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted: ''yes'' on vote No. 627 (on the motion to suspend the rules and pass H.R. 4606, as amended); and ''yes'' on vote No. 628 (on the motion to suspend the rules and pass S. 3193).

IN RECOGNITION OF CHRISTINE KROLIK

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Christine Krolik, retiring Hillsborough city council member, former mayor, and tireless advocate for our public schools and many community organizations.

Christine moved to Hillsborough in 1995 with her husband Jeff and two sons, John and Billy. She immediately immersed herself in work to improve the public school system by advocating for smaller class sizes. She combined two of her outstanding talents in this effort: singing and fundraising. While she co-chaired the Scrip Committee from 1996–2000, she launched the Scripettes singers to promote sales. The four Scripettes performed jazzy versions of holiday songs including ''Jingle Bell Rock,'' ''Have Yourself a Merry Little Christmas'' and ''Swingin' at Santa's Place.'' Today the group calls itself Swing Set and continues to delight people at civic functions from singing the National Anthem at Giants' games to warming up the crowd at Hillsborough's Light Up the Town celebrations.

Christine's boundless energy has been successfully put to use as co-chair of Hillsborough Concourse events in 2001, co-chair of the Measure B campaign to benefit Hillsborough's public schools in 2002, and the Citizens Communication Advisory Committee appointed by the mayor to help the city council and town staff to communicate with residents about issues affecting the town, also in 2002.

Christine was first elected to the city council in 2004. From 2006–2008, she served as vice mayor, and from 2008–2010 she served as mayor. During her 2010 term, she oversaw Hillsborough's Centennial, a flawlessly orchestrated celebration featuring marching bands, floats and vintage cars, and the dedication of Centennial Park. That year Christine was appropriately honored for her countless contributions as Hillsborough Citizen of the Year.

Christine is a firm believer that a strong sense of community is vital in a city and improves quality of life. While mayor, she embarked on an ambitious agenda to develop a

Hillsborough emergency preparedness program, the Hillsborough Neighborhood Network, an outdoor movie night, adult classes at Town Hall and the first ever Hillsborough Memorial Day Parade.

Her remarkable contributions to the Town have been matched by her generous support of many important community organizations. Christine serves as president and board member of Innvision/Shelter Network providing transitional housing to homeless families, veterans and single adults. She is past president and present board member of Hillbarn Theatre providing valuable cultural programming in the county.

A native of Philadelphia, Christine earned her BA in Theater from Arcadia University, and she is a graduate of the conservatory at Circle-in-the-Square School of Theatre in New York. She is an accomplished actress in amateur productions and has played memorable roles such as Adelaide in Guys and Dolls and Dolly in Hello, Dolly.

The vitality, creativity and enthusiasm that Christine has brought to the city council for eight years will certainly be missed. She has created a standard of community engagement which will be an inspiration to her successors.

Mr. Speaker, I ask the House of Representatives to rise with me to honor one of the finest local elected officials of San Mateo County, Christine Krolik. I am honored to call her one of my best friends. She has dedicated herself to the betterment of her fellow residents and our beautiful town. At a white elephant Christmas party a year ago, Christine fought for a superman costume—a fitting symbol of a person who has committed her life to helping other survive and thrive.

BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in support of S. 3193, which amends the Native American Technical Corrections Act of 2004 to revise the description of the land to be held in trust for the Barona Band of Mission Indians of California. This noncontroversial bill states that the parcel of private, non-Indian land that is excluded from the revised description was not intended to be held in trust for the Band or considered to be part of its reservation.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. California is home to nearly one hundred federally recognized tribes. I have made it a priority of mine in Congress to safeguard the interests of our tribes.

After thousands of years of peaceful life in the region, known today as San Diego County, Native American life was abruptly changed in the late 1700s. More than 200 years of hardship for Native Americans began with the arrival of the Spanish military and the establishment of the first presidio and mission in 1769.

In 1875, the Federal Government established the Capitan Grande Reservation for the native people living in the area at that time. About 40 years later in 1932, the city literally bought the Capitan Grande Reservation to build a reservoir and the people were removed from their land.

In 1932, without a homeland but with some Federal monies allotted from the sale, a group of the Capitan Grande tribal members purchased the Barona Ranch which today is the Barona Indian Reservation near Lakeside, about 30 miles northeast of San Diego. For many years living without electricity and other services, the tribal members tried to create a living through the ranch and farming.

Until the early 1990s, the Barona Tribe was still struggling economically in the backwoods of San Diego County. In 1994, the tribe, with the consulting guidance of Venture Catalyst, opened the Barona Casino "Big Top", and this property eventually became the world-class Barona Valley Ranch Resort and Casino.

The casino has become the means to a restoration of self-sufficiency, prosperity and renewed hope. Unemployment and welfare dependency have dropped from 70 percent to zero on the Barona reservation.

Mr. Speaker, the Barona Band of Mission Indians has a long and strong tradition that continues to this day. I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO JERRY BROWN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Chief Deputy Sheriff Jerry Brown. Chief Deputy Brown joins Sheriff Joe Wampler in retirement from the Hood River County Sheriff's Office on January 1, 2013, capping a career in law enforcement and public service going back to the 1970's. Chief Deputy Brown has dedicated his life to duty, honor, and service to the citizens and visitors of Hood River County, Oregon.

Jerry Brown has served his country and his community for decades. He is not only a long time veteran of law enforcement, but also he is a veteran of the U.S. Marine Corps who served our country in Vietnam. In 1978 he took the reins of "The Next Door," a non-profit organization in Hood River that provides care and support for children and families in the area. During his time with The Next Door, Jerry coordinated week-long hikes and camping trips for youth, diligently fundraised, and secured accreditation through the Youth Care Association. His efforts helped form the program into a model for other areas to follow that endures to this day.

The pull to serve and protect citizens of my home town, Hood River, Oregon, drew Jerry to his full-time career in law enforcement. He started as a patrolman with Hood River Police Department and spent 20 years working to ensuring the community's safety. During his career with Hood River Police Department, Jerry also served as a detective, sergeant, and attained the rank of lieutenant before joining the sheriffs office in 2006.

For the past six years, Jerry has served as Sheriff Wampler's chief deputy, lending his knowledge and experience to the position. The positive impact Chief Deputy Brown has made on the sheriff's office, and his community, will continue to inspire others to serve their nation, state, and community long into the future.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Jerry Brown. He has earned the thanks of a grateful nation for his service and the thanks of our community for his unwavering commitment. Please join me in wishing Chief Deputy Sheriff Jerry Brown a very long and happy retirement.

IN RECOGNITION OF GINNY SILVA JAQUITH

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Dr. Ginny Silva Jaquith, a close friend, former colleague and remarkable public servant who is retiring today from serving an interim term on the Pacifica City Council. When the city needed her, Ginny stepped up to the plate and brought her professionalism and experience to the council. In the 30 plus years I have known Ginny, she has always risen to the occasion.

Ginny is no stranger to the Pacifica City Council. She served on it from 1980–1992, including three terms as mayor. The highlights from her tenure were the creation of the city's best known event, the Pacifica Fog Fest, and the Community Center, both of which greatly enhanced the wonderful sense of community in Pacifica. Ginny served on the Pacifica Coast Fog Fest founding board from 1985 to 1992 and after she left the council, she was on the Fog Fest Organizing Group from 2000–2010.

She worked closely with the Golden Gate National Recreation Area to acquire Sweeney Ridge, a spectacular hiking area of ridges and ravines between Pacifica and San Bruno that slope down to the San Francisco Bay on one side and the Pacific Ocean on the other. She helped turn the Sanchez Art Center into reality. The city worked closely with local artists and residents to purchase an abandoned elementary school and transform it into the invaluable art and educational center it is now.

Ginny was also instrumental in the establishment of the Redevelopment Agency in Rockaway Beach and a Commercial Development Task Force and Plan. She served on the San Mateo County Civil Grand Jury and on the Pacifica Task Force for Sharp Park Golf Course.

Today she continues to give her time and energy to the Board of Directors of Pacificans Care, the Rotary Club of Pacifica, the Presidio Golf Club and the City of Pacifica Beautification Task Force.

Ginny was born in Gustine, California and grew up in the Sunnyvale, Cupertino area. She earned her BS in Recreation from San Jose State University, her MS in Recreation Administration from San Francisco State University, and her EdD in Education from the University of San Francisco.

She taught in SFSU's Recreation and Leisure Department for 27 years, was the department chair for three years and is a Professor Emerita.

She and her husband Robin of 38 years live on Pedro Point. In her spare time she enjoys the arts, playing golf, cooking and traveling.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Dr. Ginny Jaquith for her past and continuing service to the residents of Pacifica. Her tireless commitment and dedication have made this beloved coastal town a better and more beautiful place for everyone.

TRIBUTE TO CHANCELLOR TIMOTHY P. WHITE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to southern California and higher education are exceptional. The University of California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Chancellor Timothy P. White is one of these individuals. After four years of service to the University of California, Riverside (UCR), he will be leaving the University of California to take a new post as Chancellor of the California State University system.

Chancellor White was born in Buenos Aires, Argentina. He later immigrated to northern California, and is a first-generation college student who has matriculated within every college system in California. After beginning at Diablo Valley Community College, he earned a Bachelor's Degree from Fresno State University, a Master's from Cal State Hayward (East Bay), and a Ph.D. in Exercise Physiology at the University of California, Berkeley. He previously held positions as Professor and Chair of the Department of Human Biodynamics at UC Berkeley, and as Professor and Chair of the Department of Movement Science and research scientist in the Institute of Gerontology at the University of Michigan. White had previously served as Dean, Provost, and Executive Vice President at Oregon State University, and came to UCR from the University of Idaho, where he had been President since August 2004. There he established a strategic direction to further the university's role as the state's land-grant and flagship research university. He is internationally recognized for his work in muscle plasticity, injury, and aging.

One of the many accomplishments during Chancellor White's tenure at UCR was the University's successful receipt of ''preliminary accreditation'' from the Liaison Committee on Medical Education, the national accrediting body for educational programs leading to the M.D. degree in U.S. and Canadian medical schools. This was UCR's second attempt to gain accreditation for an independent, four-year medical school. This momentous achievement was made possible due to the tremendous efforts of Chancellor White and the future Dean of the Medical School, Dr. G. Richard Olds, in partnership with local, state and federal officials, as well as community and business leaders. UCR will be able to recruit students for the charter class of 50 medical students, enrolling in August 2013.

UCR has also gained national and international recognition for excellence in research, teaching and service under Chancellor White's tenure. UCR is ranked among the top 200 campuses around the globe in both the Shanghai Jiao Tong Academic Ranking of World Universities and the Times Higher Education rankings, and was recognized for its exceptional commitment to public service by Washington Monthly. Other accomplishments include the creation of a strategic plan to guide the institution, the announcement of the new School of Public Policy, growth of campus enrollment to almost 21,000 students, and new levels of achievement and accomplishment by faculty and students alike. In addition, under Chancellor White's guidance, Riverside was selected to host the new UCPath project, which will consolidate basic human resources operations across the entire UC system as a permanent cost-saving measure.

I have come to know Chancellor White well through many years working together on a variety of educational issues in Riverside. I can personally attest to the Chancellor's incredible work-ethic, professionalism, and positive attitude. He is married to Dr. Karen N. White, who is an Associate of the Chancellor and an assistant clinical Professor for the UCR Biomedical Sciences Program. She has been a great advocate on behalf of our veterans through the Operation Education Scholarship Program, which she founded and established on the UCR campus in 2010. They have four sons.

In light of all Chancellor White has done for the University of California and the Inland Empire, it is only fitting that he be honored as he continues his service to higher education. Chancellor White's tireless passion for public service and higher education has contributed immensely to the betterment of our region and the state and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he moves onto the next phase of his life.

IN HONOR OF ROBERT M. LIGHTFOOT, JR. ON HIS APPOINTMENT TO THE ASSOCIATE ADMINISTRATOR OF NASA

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. ADERHOLT. Mr. Speaker, today I congratulate Robert M. Lightfoot, Jr., on the occasion of his appointment as the Associate Administrator for NASA, the agency's highest-ranking civil servant position. As he is the first native Alabamian to hold this position, I am pleased to stand before this body of Congress to recognize his contributions to NASA and our country.

He previously was director of NASA's Marshall Space Flight Center in Huntsville, Ala. Named to the position in August 2009, he headed one of NASA's largest field installations, which plays a critical role in NASA's space operations, exploration and science missions. Mr. Lightfoot managed a broad range of propulsion, scientific and space transportation activities contributing to the nation's space program.

From 2007 to 2009, Mr. Lightfoot was Deputy Director of the Marshall Space Flight Center. Lightfoot served as manager of the Space Shuttle Propulsion Office at Marshall from 2005 to 2007, where he was responsible for overseeing the manufacture, assembly and operation of the primary shuttle propulsion elements: the main engines, external tank, solid rocket boosters and reusable solid rocket motors.

Mr. Lightfoot received a bachelor's degree in mechanical engineering in 1986 from the University of Alabama. In October 2007, he was named Distinguished Departmental Fellow for the University of Alabama, Department of Mechanical Engineering. He was selected as a University of Alabama College of Engineering fellow in 2009. Lightfoot serves on the University of Alabama Mechanical Engineering Advisory Board. In 2010, he was inducted into the State of Alabama Engineering Hall of Fame.

Mr. Lightfoot has received numerous awards during his NASA career, including a NASA Outstanding Leadership medal in 2007 for exemplary leadership of the Shuttle Propulsion Office, assuring safety for the return to flight of the space shuttle. In 2006, he was awarded the Presidential Rank Award for Meritorious Executives, and in 2010 he received the Presidential Rank Award for Distinguished Executives—the highest honors attainable for federal government work. In 2000, Mr. Lightfoot received a Spaceflight Leadership Recognition Award, which recognizes leaders who exemplify characteristics necessary for success. In 1999, NASA's astronaut corps presented him with a Silver Snoopy Award, which honors individuals who have made key contributions to the success of human spaceflight missions. He also received the NASA Exceptional Achievement Medal in 1996 for significant contributions to NASA's mission.

We are thankful for the years of dedication and hard work by Robert Lightfoot. We wish him and his family the best in this new role of service to our country.

IN RECOGNITION OF THOMAS KASTEN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Thomas Kasten who has served on the Hillsborough City Council for twelve years, including two terms as mayor. The residents of our town are very fortunate to have benefitted from the expertise and leadership of such an outstanding businessman and manager.

Tom, first elected to the city council in 2000, is currently the mayor and police commissioner. He balanced the budget both years and left the town in good financial condition. With his leadership skills he was able to calm a heated controversy about increased garbage and water rates that brought out large and vocal groups of residents. He also oversaw the approval of the largest capital expenditure plan in the town's history to replace a substantial portion of the 100-year old sewer system.

During his first term as mayor from 2004–2006, Tom had to deal with the town's fight over MacMansions replacing smaller ranch homes. He established the Zoning Study Committee and included leaders from both sides of the controversy to develop adjustments to the building code.

Tom also chaired the board of directors of the City/County Association of Governments (C/CAG) of San Mateo County and is now the vice chair of its legislative committee. He sits on the board of directors of the Housing Endowment and Regional Trust of San Mateo County (HEART) and serves on its nominating and by laws committees. Previously, he was on the board of the Peninsula Traffic Congestion Relief Alliance. In 2007, Tom was the chair of the Regional Housing Needs Allocation Policy Advisory Committee for San Mateo County and is currently chairing its policy committee.

Tom honed his business skills during his 34-year long career at Levi Strauss & Co., where he was the president of the youthwear, men's jeans, and womenswear divisions. In addition, he served as executive vice president of new business development in which capacity he took the company private after 14 years as a public company. Tom was responsible for all information technology for Levi Strauss United States. Today, he continues his connection to Levis Strauss & Co. and serves on the Investment Committee.

Tom has lectured at some of our finest universities, including Stanford, Berkeley, UCLA and San Francisco State University, and he has been a keynote speaker at countless business conferences in the United States and abroad. He is also a frequent guest on television and radio and has been quoted in magazines such as Fortune and Fast Company. Computerworld Magazine named Tom one of the "Premier 100 Information Technology Leader in the U.S." in 2000.

Tom is very active in the Jewish community and volunteers his time and expertise with the Jewish Community Federation of the San Francisco Bay Area and the Jewish Home Foundation.

Originally from Portland, Oregon, Tom received his BS and MBA in Marketing from the University of California at Berkeley.

Tom and his wife, Kendra, have lived in Hillsborough 28 years. They have two children, Jeffrey and Alyssa.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Thomas Kasten who has tirelessly devoted his time and energy to the residents of Hillsborough.

HONORING THE LIFE AND SERVICE OF BISHOP WALTER F. SULLIVAN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. CANTOR. Mr. Speaker, I would like to take this opportunity to remember and honor the life of Bishop Walter F. Sullivan, whose recent death saddens the many people whose lives he touched throughout his time as bishop of the Catholic Diocese of Richmond.

Bishop Sullivan served in churches throughout Virginia since he was ordained in 1953. As the longest-serving bishop in the Richmond diocese's 192-year history, he made a lasting impact in and outside of the Catholic Church. Bishop Sullivan was an advocate for the underprivileged and welcomed people of all faiths with open arms. During his time as bishop, the diocese established various new parishes, advisory committees for the youth, women, and minorities, homes for the elderly, and retreat centers.

Bishop Sullivan also commissioned the first public Holocaust memorial in Virginia, "Rachel Weeping for Her Children," which celebrated its 25th anniversary in April. Acts like this made Bishop Sullivan a hero and champion to many. He spent his life committed to helping others, and he will be greatly missed.

Mr. Speaker, though we mourn the death of Bishop Walter Sullivan, we come together to pay tribute to and honor the life and work of such an important figure in our history.

CONGRATULATING JIM TURNER ON 40 YEARS OF RADIO HOSTING

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WEBSTER. Mr. Speaker, I take this opportunity to recognize a gentleman who has been a mainstay in the Central Florida community for many years. After 40 years with NewsTalk WDBO as one of Central Florida's most respected and beloved news hosts, Jim Turner has announced his plan to retire.

Mr. Turner joined WDBO in 1972 and has hosted the station's morning segment since 1985. He is respected not only in the Central Florida community but throughout the country. In 2004 he was awarded by his peers in the National Association of Broadcasters the prestigious Marconi Award for Personality of the Year.

Founded in 1924 as a physics project of Rollins College, WDBO is today one of Central Florida's great news and talk radio stations. During his tenure as the morning show host, Turner headed the station's transformation from music to information and talk.

Jim Turner's daily presence on WDBO's morning talk segment will be sorely missed. We are grateful for the years he has spent talking with Central Florida, and we wish him well.

RECOGNIZING ROBERT J. ARNOLD ON THE OCCASION OF HIS RETIREMENT AFTER 38 YEARS OF SERVICE TO OUR NATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. MILLER of Florida. Mr. Speaker, it is with great pleasure that I rise to recognize Mr. Robert J. Arnold, Chief Technologist, 96th Test Wing, Eglin Air Force Base, on the occasion of his retirement after 38 years distinguished public service to the United States Air Force and our great nation.

Mr. Arnold's career began in industry, performing and later managing missile, A–7, and F–8 weapons programs at numerous test and evaluation facilities. In previous positions with the Air Force, he led A–10 and F–15 weapons test programs at Edwards Air Force Base, California. During his outstanding career, he managed test and evaluation programs involving practically every type of weapon and aircraft in the Air Force inventory. He formed the Corporate Plans Office for the Air Force Development Test Center at Eglin Air Force Base, Florida, establishing and leading the Center's strategic planning program, institutionalizing modernization planning, and implementing a command-wide "Single-Face-to-Customer" office. Upon formation of the Air Armament Center at Eglin Air Force Base, he established the Plans and Programs Directorate for the Center and led planning for the inaugural Air Armament Summit to shape the future of air armament and joint service test and training infrastructure.

Mr. Arnold's record as a leader and his ability to form partnerships at all levels of government is unsurpassed. He was hand-picked by Air Staff to serve as the Interim Deputy Director for the Defense Test Resource Management Center (DTRMC) where he orchestrated preparation of the initial DTRMC DoD Strategic Plan for test and evaluation resources.

Without his care and stewardship as Chairman of the Eglin Encroachment Committee, mission critical natural resources might never have been preserved. His leadership enhanced community partnerships in the Eglin community and throughout the State of Florida.

Mr. Arnold's contributions to range sustainment, encroachment and the test and evaluation field as a whole have saved millions, brought him national recognition and benchmarked a number of innovative processes that will stand the test of time. His talents and overall knowledge and understanding of the Air Force mission will be greatly missed.

Mr. Speaker, it is only on rare occasions that we find men of such exceptional character as Bob Arnold. He left his indelible mark on the Air Force and the Northwest Florida community. On behalf of the United States Congress, I would like to offer my congratulations to Bob and his wife, Myra. My wife, Vicki, and I wish them the best for continued success.

IN HONOR OF DR. WILLIAM PURCELL

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. KISSELL. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my community, Dr. William Purcell of Scotland County, North Carolina. Dr. Purcell grew up in Laurinburg, North Carolina, just south of my home town of Biscoe, North Carolina. He attended public schools in Laurinburg before graduating from Davidson College, and later, the University of North Carolina School of Medicine. After proudly serving our nation in the United States Army Medical Corps in France, during the Cold War, he returned home to North Carolina where he practiced pediatrics in Laurinburg for 36 years. During this time he also served on the Laurinburg City Council for six years, and as the Mayor of Laurinburg for 10 years. He became a member of the North Carolina Senate in 1997 and has proudly served the 25th District for seven terms before announcing his retirement this year.

If there is any indication of the impact this man has had on his community, it is the numerous awards he has received, including the

Distinguished Service Award from the University of North Carolina in 2005, for his commitment to making preventive health care a top priority. Dr. Purcell's dedication to the health of the children of North Carolina continued after his retirement as a pediatrician, making its way into the halls of the General Assembly where he served as a member of the Appropriations Committee on Health and Human Services, and the Chairman of the Legislative Task Force on Childhood Obesity. To honor this commitment, ABC News Correspondent George Stephanopoulous presented him with the Nathan Davis Award, the American Medical Association's highest award for a public office. Most recently, in 2008, his fellow senators and local news correspondents voted him one of the most effective members of the North Carolina Senate.

Senator Purcell and I have been friends for quite some time now, and this has allowed me to experience first-hand his generosity and his commitment to the well-being of the people of our state. As a former educator, I understand the importance of pediatric health and wellness, and their impact on a student's ability to succeed. I sincerely thank Dr. Purcell for his tireless devotion to making our community a better place.

Mr. Speaker, it is with admiration and appreciation that I rise today to speak of the ceaseless and tireless efforts of Senator Purcell to represent the people of Anson, Richmond, Scotland, and Stanly counties, and our state as a whole. Today, I urge my colleagues to join me in commending Senator Purcell for his outstanding leadership and achievements, and for a life of selfless devotion to those around him.

HONORING REAR ADMIRAL JAMES W. LISANBY (USN RETIRED)

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WHITFIELD. Mr. Speaker, I rise today, to recognize (Ret.) Rear Admiral James W. Lisanby, who passed away on November 14, 2012.

Rear Admiral Lisanby, a native of Caldwell County, Kentucky, served his country and community with great integrity and honor. He rose through the ranks of the United States Navy during his 37 years to become a rear admiral and a chief engineer. He was instrumental in the development of the modern era of shipbuilding at the Ingalls shipyard in Pascagoula, Mississippi.

After spending many years of service abroad and at sea, Rear Admiral Lisanby became the Commander of Naval Ships Engineering Center, his first Flag officer assignment, where he was responsible for the design and engineering of all ships and weapons developed for the U.S. Navy. He finished his stellar Navy career as the Deputy Commander for Acquisition and Logistics in the U.S. Navy's Sea Systems Command in Washington, DC.

Following retirement for the Navy, Rear Admiral Lisanby started his own consulting firm, Naval Services International, Inc., and became the first American elected President of the International Professional Engineering and Naval Architects Society, IPEN. He also served on numerous boards, including those of the United Services Life Insurance Company and the Sioux Manufacturing Company of Devil's Lake, ND, and he also served as the Chairman of the Board of Technology Financing, Inc., part of the BMT Group of International Companies.

Not only was he successful in serving his country, and in business, but he had a very impressive academic record. A U.S. Naval Academy graduate, he earned a Professional Engineers Degree (PE) from the Massachusetts Institute of Technology, and an advanced Management Degree from the Harvard Business School (PMD).

Rear Admiral Lisanby and his wife of 61 years, Gladys, retired to Arlington, Virginia and Pascagoula, Mississippi until Hurricane Katrina destroyed their beachfront home. At that time, the Lisanby's returned to Kentucky, and Caldwell County.

After returning to Kentucky, the Lisanby's became very active in the community, particularly in their support of the arts. They became members of the Endowment Circle of the Princeton Art Guild, where its Lisanby Courtyard honors Lisanby's mother, a lifelong artist and arts supporter.

Rear Admiral Lisanby was also an active member of Ogden Memorial United Methodist Church in Princeton, a Rotarian and a Paul Harris Fellow.

In addition to his wife, he is survived by his brother, Charles, two daughters, Elizabeth Ann Lisanby and Dr. Sarah Hollingsworth Lisanby, and their families.

The people of Caldwell County, the Commonwealth of Kentucky, and this great Nation were greatly served by Rear Admiral Lisanby, and he will be truly missed.

PERSONAL EXPLANATION

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mrs. HARTZLER. Mr. Speaker, on Monday, December 17, 2012, I was unable to vote. Had I been present, I would have voted as follows:

On rollcall No. 627, "yea."

On rollcall No. 628, "yea."

HONORING THE LIFE OF VICTORIA LEIGH SOTO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. DELAURO. Mr. Speaker, it is with the heaviest of hearts that I rise today to join the Stratford and Sandy Hook communities as they remember Victoria Leigh Soto who was so tragically taken from us last Friday. Only 27 years old, Victoria was a first-grade teacher at Sandy Hook Elementary School where she lost her life protecting her students. Room 10 lost its teacher and we lost an exceptional young woman.

A lifelong resident of Stratford, Connecticut, Victoria graduated from Stratford High School in 2003 and earned a degree with high honors in Education and History from Eastern Connecticut State University. She was currently working to complete her Master's Degree at Southern Connecticut State University. She was a student teacher at Brewster Elementary School in Durham, Connecticut and in her fifth year as a first-grade teacher at Sandy Hook Elementary School, Victoria was fulfilling the dream she had had since she was just three years old. Teaching was her passion and it showed. Her students adored her—the many pictures inscribed with "I Love Miss Soto" that adorned her desk a testament to the impact she had on the children she was charged to care for and educate each day.

Victoria was equally as passionate about her family. In one of her Facebook postings she wrote of her life, "In my spare time, I love spending time with my black lab, Roxie. I love spending time with my brothers, my sisters, and cousins." Family and friends have described her as a role model—not only to them but to everyone she met.

As the event at Sandy Hook Elementary School unfolded, Victoria quickly hid her young students in closets and cabinets. When the gunman came into her classroom Victoria told him that her students were not in the class but in the gym. He turned the gun on her and she was lost to us. Her students would later be found by first responders, huddled together in the closets and cabinets. She saved each of their lives while sacrificing her own. Victoria was a hero in every sense of the word.

The tragic event that occurred at Sandy Hook Elementary School and all of those we lost that day will never be erased from our minds. Though there are no words that can ease her families suffering, I hope that they can take some small comfort in the knowledge that Victoria will always be remembered as a hero. My thoughts and prayers are with her parents, Carlos and Donna, as well as her siblings, Jillian, Carlee, and Carlos Matthew, and extended family as they say goodbye to their angel. Victoria Leigh Soto was an extraordinary young woman and will long serve as an inspiration to us all.

IN HONOR OF CORPORAL MICAHEL P. NICHOLSON'S SERVICE TO HIS COUNTRY

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. CASTOR of Florida. Mr. Speaker, I rise today in honor of one of Florida's brightest sons, Corporal Michael, P. Nicholson of The United States Marine Corps, Echo Company. On July 6, 2011 in an IED blast Corporal Nicholson was almost mortally wounded when he lost his legs and part of his left arm and numerous other injuries. His personal decorations include The Purple Heart, Combat Action Ribbon and numerous other service awards. Michael was 2nd Platoon Mortar Chief and Assistant Patrol Leader. This strong young man from Tampa has been through hell and back and with much more to overcome he has been a shining example to all, and makes you proud to say you're an American. The Tampa Bay community honors his service to our great country. What Michael "Stands For," is magnificent, and few of us will ever reach the

heights to which he has already scaled in his short lifetime and will into the future. A Marine's Marine, our thoughts and prayers go out to him and his family. I submit this poem penned in his honor by Albert Caswell.

STAND FOR SOMETHING

Stand!
Stand for something,
or live for nothing at all!
Die for something,
or the rest of your life so crawl!
Stand!
Better to give up your strong arm and legs,
then look back at all of that emptiness that you so gave this world, you saw!
And so realize,
that your life really meant nothing at all!
Stand for something!
So noble and so very tall!
Better,
to make a difference with it all!
And so answer that most heroic of all calls!
That call to arms!
That call to war!
That call to death,
for all of our freedoms to so insure!
Because,
moments are all that we so have!
To stand tall!
To change the world!
To go off with our flags unfurled!
To stand for something!
All in that blood that binds you,
but to so answer that most noble cause!
To stand for something,
to where only such hearts of honor are so called!
Yea Stand!
Stand for something,
or live for nothing at all!
To shine,
to make a difference with it all!
But,
To wear those magnificent shades of green!
And be but only one of ''The Few'',
But to be only one of The very Bold!
To have and to hold!
Our Nation's most precious of all Gold!
A United States Marine!
One of the best damn things,
that this country has ever seen!
As already Michael,
in your short life as you have so convened!
All in that fight,
with all your might!
As you were so magnificently seen!
As it was on that fateful day,
when your fine life almost went away!
As a IED explosion,
halfway to Heaven on that day!
When,
something so deep down inside of you would not give way!
Because you were born to lead,
even in your darkest days!
As the tears ran down your most heroic face!
Because Nicholson,
your fine life that still had so much more to say!
For you had miles to go,
and mountains to so climb on your most heroic way!
And so many hearts to so heal,
and to so inspire,
lifting them all so ever higher!
While, all of the Angels for you so prayed!
As you Michael,
still have such life of happiness that which before you so awaits!
As you Michael may have lost your two strong legs and arm!
But they'll not touch your great heart of amazing grace,
that which so inside of you so beats and burns so very warm this very day!
The one that which you were so born with,
that which so says Marine get up and move on . . . the course to stay!
And Pity is not a town where you will ever stay!
As you so teach us!
As you so reach us!
As you so beseech all in every way!
With the kind of lessons about life that only a kid like you could say!
As you rain mortars of hope down upon us all,
all in what your fine heart has so to convey. . .
Because, already in your short life Michael. . .
you've traveled higher and farther than any of us ever will or may!
Because, you so Stood For Something!
And as you Still Do, To This Very Day!
For Something, So Noble and So Brilliant, and So Bright!
Someone To So look Up To,
whose most courageous heart brings such light!
These rays!
Marine, I could climb the highest mountain,
and yet never would I reach where you stand this day!
For only a few in heaven will so stand, as they!
And if ever I had a son Michael,
I wish he could but be half the man you are in every way!
Who Stands for Something so very brilliant,
that which most of us never may!
All in you in what I saw,
as our hearts to you Michael so run!
Because in The Game of Life,
you are a Champion in every way!
Oh how I wish I could stand as tall as you this very day!
What have you stood for, out on life's way?
Stand!

IN RECOGNITION OF JUDGE CARMEN RIVERA-WORLEY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor Judge Carmen Rivera-Worley. Judge Rivera-Worley has served as District Judge for the 16th District Court in Denton County, Texas for the past nine years.

Judge Rivera-Worley received a Bachelor's Degree from Texas A&M University in 1977. She also received a Master's Degree from Texas Tech University in 1978. In addition to those degrees, Judge Rivera-Worley proved her commitment to higher-education by earning her Jurisprudence Doctorate from the University of Texas School of Law in 1982. These numerous degrees have allowed Judge Rivera-Worley to extend her knowledge and continually serve the citizens of Denton and Val Verde counties.

Judge Rivera-Worley has extensive experience in practicing law. Before her current position as District Judge, the Honorable Rivera-Worley held several positions as an attorney in Denton County and Val Verde County. She previously served in Denton County's Criminal District Attorney's Office as the Assistant Criminal District Attorney/Chief of Civil Division from 1992–2003. Also, she served as Val Verde County Attorney from 1987–1992. Prior to that position, she was Val Verde County Assistant Attorney from 1985 to 1987.

Judge Rivera-Worley also played an active role in numerous professional associations. These include the Denton County Bar Association and The Texas State Bar Association, particularly in the following sections: Construction Law Section, Government Lawyer Section, and Labor and Employment Section. In addition, she held many positions in the Texas District and County Attorney's Association. In the Texas District and County Attorney's Association, she was a member of the Board of Directors, the Long Range Planning Committee for Publications, the Editorial Board, and the Legislative Committee. Also, she served as the Chair of the Civil Committee of the Association, and was also a member of the Governor's Prosecution Advisory Committee on Punishment Standards Commission, and was a speaker at conferences on local government and purchasing for the Texas Association of Counties and Texas Purchasing Association.

Beyond her professional experience, Judge Rivera-Worley has proven her commitment to the community by working with civic organizations and charities in the region. She is currently an associate of the Denton Independent School District's Bond Progress Committee and of the Denton Christian Preschool Board of Directors and Nominations Committee. Judge Rivera-Worley has also devoted her time to the Trinity United Methodist Church by being a member of the Board of Trustees and of the Council on Ministries. She was also the Chair of the Youth Ministries Committee for the church.

Even with her already outstanding track record of leading her community, Judge Rivera-Worley found the time to serve as a member of the Minority Access Committee at Ann's Haven Hospice. She also played a significant role in the Denton Chapter of the League of United Latin American Citizens, and was also named Trustee of the Sarah E. Worley Educational Foundation Trust.

Judge Rivera-Worley is a very active member in her community and has a true passion for helping others. As she retires, she will leave a legacy of excellence in the 16th District Court of Denton County and will not be forgotten. I am pleased to recognize Judge Rivera-Worley and am privileged to represent Denton County in the U.S. House of Representatives.

IN SUPPORT OF CONTINUING EMERGENCY UNEMPLOYMENT COMPENSATION BENEFITS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. DAVIS of Illinois. Mr Speaker, although our economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for 12 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure.

Unemployment benefits are a critical lifeline for our citizens and our economy, keeping 2.3 million Americans (including over 600,000 children) from falling into poverty in 2011, reducing the poverty rate for families by 40 percent in 2011, and generating $1.52 in economic activity for every $1 in economic compensation. The non-partisan Congressional Budget Office

estimates that extending these benefits another year will create 300,000 much-needed jobs.

Now is not the time to cut unemployment; millions of Americans rely on unemployment assistance to survive. In my home state of Illinois during 2012, approximately 320,000 people relied on regular unemployment benefits and almost 140,000 additional Illinoisans depended on emergency unemployment. As Illinois and our nation continue to struggle out of this recession, failure to extend this critical lifeline will impose incredible hardship on approximately two million Americans. Failure to extend this critical lifeline means that—in addition to 90,000 Illinoisans who will abruptly lose benefits on December 29th—an additional 2,800 Illinoisans will lose benefits each week in 2013 if Republicans insist on slashing federal emergency assistance.

Our nation continues to experience historic levels of long-term unemployment. Most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work. Indeed, over 40.8 percent of all unemployed workers, more than 5 million people, have been out of work for more than 6 months. These Americans lost their jobs through no fault of their own, they tirelessly try to find work when the jobs are few and far between, and they struggle to cover basic food, housing, and transportation costs for their families on an average of $290 a week, a pittance which typically replaces only half of the average family's expenses.

Now is not the time to cut unemployment; our economy needs federal unemployment benefits to support its growth. In addition to cruelly stripping millions of Americans of vital assistance just days after Christmas, a Republican failure to continue unemployment benefits would devastate our fragile recovery. Moody's economist, Mark Zandi, estimates that slashing emergency benefits this year will reduce economic growth in 2013 by $58 billion. Cutting unemployment benefits for two million people will take a tremendous toll on businesses as well as families. Even with the creation of millions of new private-sector jobs and improvements in the ratio of unemployed workers to job openings, jobs remain hard to get. There are 4 million fewer jobs in the economy now than at the beginning of the recession. Further, there are still 3.4 unemployed workers for each available job, worse than at any point during the 2001 recession and dramatically higher than the 1.8 people per job at the outset of the recession in December 2007.

Government leaders have a responsibility to protect Americans and our country, especially during times of national crisis. Failure to continue unemployment benefits will harm our economic recovery and disproportionately harm groups of Americans who already are hardest hit by the economic crisis—including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma. Congress must quickly act to support our citizens and our economic recovery by continuing emergency unemployment benefits.

TRIBUTE TO DR. LOUIS LYNN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a South Carolina entrepreneur and leading landscape designer, Dr. Louis Lynn, a recent recipient of the U.S. Department of Commerce Minority Business Development Agency's 2012 Ronald H. Brown Leadership Award. The Award recognizes exceptional leaders who have made great strides in creating diversity in the public or private sector. Dr. Lynn is a tremendous small business leader in South Carolina, and I am proud to call him a friend.

Dr. Lynn is a native of Lamar, South Carolina. His childhood in a rural area prompted his love of nature, and he spent his youth participating in the 4–H club and selling produce. He also came from a family of entrepreneurs—his grandfather was a shop owner and his father, Lawton, ran a butcher plant. His father was an influential figure in his life, who taught him to take a sense of pride in hard work, and the elder Lynn was even once named South Carolina Father of the Year.

In 1964, Louis Lynn entered the second freshman class to integrate Clemson University. He received his Bachelor's and Master's degrees in Horticulture from Clemson, and went on to earn a PhD in Horticulture from the University of Maryland. Early in his career, Dr. Lynn was a research scientist. His work at Monsanto led to the development of Roundup® herbicide. But he was called to more hands-on horticultural work.

In 1985, Dr. Lynn established ENVIRO Ag Science, Inc., which has become the largest African-American-owned landscape business in South Carolina. As the company has grown, it has added offices in Atlanta and Tucker, Georgia and now employs 85 full-time people. ENVIRO Ag Science, Inc. was recently named one of the 25 Fastest Growing Companies in South Carolina. His business began as a small residential landscaping business, but today is recognized for very high-profile projects including the landscaping of the Columbia Convention Center, the University of South Carolina Colonial Center, and BMW Manufacturing. Other clients include Ft. Jackson, Shaw Air Force Base, Fort Gordon and the Savannah River Nuclear site. As a SBA HUBZone Certified contractor, his firm is currently under contract with the Department of Defense for repair and renovation services on historic buildings at Fort Benning, Georgia and Fort Bragg, North Carolina.

Dr. Lynn is a man of great faith. He feels called to give back to the community. In 1988, he was elected to the Clemson Board of Trustees, and is serving his seventh four-year term. He has also served on the boards of the BB&T Bank, South Carolina Workforce Investment, the State Chamber of Commerce, the Columbia Chamber of Commerce, the South Carolina Governor's School for Science and Mathematics, the Palmetto Agribusiness Council, the Midlands Business Leadership Council, the State Museum Foundation, the South Carolina Horticulture Society and the South Carolina Commission of Higher Education.

Dr. Lynn and his wife, Audrey, are the parents of three adult children.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Louis Lynn on receiving the prestigious Ronald H. Brown Leadership Award. He has made extraordinary contributions as an entrepreneur, a community leader, and a man of faith. I can think of no one more deserving of this honor.

HONORING FLORIDA'S 7TH CONGRESSIONAL DISTRICT ACADEMY BOARD MEMBERS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. MICA. Mr. Speaker, I rise today to pay tribute to members of my 7th Congressional District of Florida United States Service Academy Board Members. These are wonderful Americans who have provided voluntary service to assist in the nomination and selection of young men and women who will attend our nation's military academies. Each of these individuals has faithfully worked to help our country choose the very best of our youth to train for leadership positions in our military branches. The United States Army, Navy, Air force and Marine Corps each owe these board members special thanks and recognition for their years of work and efforts.

They have not only interviewed hundreds of students applying to the academies, but also provided invaluable counseling and support in their important life and career choices.

On behalf of all the people of the 7th Congressional District I salute and honor LTC James T Marino (Ret.) of St. Johns, Mr. Derek Hankerson of St. Augustine, Dr. Dan Kelso of St. Augustine, Col. Douglass Wood (Ret) of Palm Coast, Mr. Dan Quiggle of Ponte Vedra Beach, Col. Frank Farmer, Jr. (Ret.) of Ormond Beach, Col. Charles Early, Jr. (Ret.) of DeLand, Mrs. Mary Ann Welsh of Ormond Beach, Mr. Dan Hughes USMC (Ret.) of Palm Coast, Capt. Bill Knehans, DC, USN (Ret.) of Ormond Beach, LTC Al Peterson (Ret.) of Welaka and Mr. Tony Papandrea of Palm Coast.

I ask my colleagues to join me in recognizing and thanking the Military Service Academy Board Members of Florida's 7th Congressional District.

HONORING FORMER SENATOR GEORGE McGOVERN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. McGOVERN. Mr. Speaker, George McGovern was a leader in the battle to end hunger—here in the United States and around the world. His recent passing should remind all of us of the need to continue his fight. Hunger is a political condition. We have the food and know-how to end it—what we're missing is the political will. As a tribute to Senator McGovern, let's all help create that political will.

Mr. Speaker, I submit a number of tributes to the great man.

GEORGE MCGOVERN—AN OUTSTANDING LEADER ON CHILDREN'S HUNGER AND NUTRITION

(By Gus Schumacher)

George McGovern will be remembered for much during his extraordinary 90 years—for some it is for his difficult loss to Richard Nixon in the 1972 presidential election, for others it is for his heroics while serving as a WWII bomber pilot. I will always remember the former Congressman and Senator from South Dakota for his unflinching public service, his integrity and his great courage over decades to sustain a passionate commitment to assisting the poor and hungry both domestically and overseas.

I was fortunate to get know Senator McGovern in the late 1990's during my tenure as Undersecretary at the USDA while he served as our Ambassador to the United Nation's Food and Agriculture Organization in Rome. During those meetings he continually pressured us for more support to the world's hungry, especially children. When he returned to the United States, he continued his pressure on us to fund what soon would become the McGovern-Dole International Food for Education and Child Nutrition Program.

On his return from Rome, Senator McGovern convinced former Senator Bob Dole of Kansas to write a joint OpEd column in the Washington Post on the paucity of good nutrition for school children in developing countries—children trying to learn, but their learning impeded by scarce food and classroom hunger. Building on his domestic lifelong efforts to improve nutrition for school lunches in America, he fostered the initial Woman, Infants and Children (WIC) program for pregnant mothers and their young children. With the help of Senator Dole, the two senior statesmen from opposite sides of the political aisle helped generate major improvements in the food stamp program, together again the Senators said, we need to generate support and funding for such programs overseas.

Congressman Jim McGovern (D-MA), no relation to Senator McGovern, read that Washington Post article, called President Clinton and asked him to invite McGovern to the White House. The President quickly invited him over to the Cabinet Room and asked a number of senior officials from the White House, USAID and USDA to join the briefing. Agriculture Secretary Dan Glickman and I were among those at this seminal meeting. McGovern was passionate on his proposal and quickly convinced the President who then turned to Secretary Glickman and me to use our authorities under the Commodity Credit Corporation legislation (Secretary Glickman was then Chair and I was then President of CCC) to ramp up a pilot program in 2001. It was extremely successful and Congress subsequently included funding in each farm bill since that historic White House meeting.

McGovern's passion for improving children nutrition was infectious. He never flagged on this work and here at Wholesome Wave his passion and dedication is reflected in our efforts to deepen his early work on food stamps and WIC with our nutrition incentives for these programs in more than 300 farmers markets across the country. Our work benefits many of the families that McGovern was so passionate to assist. He will be much missed, but his legacy to assist hungry children here at home and overseas is continuing.

ENDNOTE

The McGovern-Dole International Food for Education and Child Nutrition Program (McGovern-Dole program) helps support education, child development, and food security for some of the world's poorest children. It provides for donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition projects in low-income, food-deficit countries that are committed to universal education.The McGovern-Dole program was originally authorized by the Farm Security and Rural Investment Act of 2002. The legislation called for the use of $100 million in Commodity Credit Corporation (CCC) funds to launch the program in fiscal year 2003, with future funding coming from Congressional appropriators. The program was reauthorized in the Food, Conservation, and Energy Act of 2008. That legislation provides for the use of $84 million in CCC funds and allows for annual Congressional appropriations, which has been approximately $100 million annually in recent years. The program is administered by the U.S. Department of Agriculture's Foreign Agricultural Service and is named in honor of Ambassador and former Senator George McGovern and former Senator Robert Dole for their tireless efforts to encourage a global commitment to school feeding and child nutrition.

[From the Washington Post, Oct. 21, 2012]

GEORGE MCGOVERN, THE MAN WHO NEVER GAVE UP

(By Bob Dole)

When I learned that George McGovern was nearing the end of his remarkable life, I couldn't help but think back to the day in June 1993 when both of us attended the funeral of former first lady Pat Nixon, in Yorba Linda, Calif. After the service, George was asked by a reporter why he should honor the wife of the man whose alleged dirty tricks had kept him out of the White House. He replied, ''You can't keep on campaigning forever.''

That classy remark was typical of George, a true gentleman who was one of the finest public servants I had the privilege to know.

I am sure there are some who were surprised by the long friendship that George and I shared. After all, before his death this weekend at age 90, he was a proud and unapologetic liberal Democrat and I am a lifelong Republican. As chairman of the Republican Party, I did what I could to ensure the defeat of his 1972 run for the White House. When the election was over, however, George and I knew that we couldn't keep on campaigning forever. We also knew that what we had in common was far more important than our different political philosophies.

Both of us were guided by the values we learned growing up in the plains of the Midwest—he in Mitchell, S.D., and me in Russell, Kan. Our lives were also transformed by the experience of wearing the uniform of our country during World War II.

We would both come to understand that our most important commonality—the one that would unite us during and after our service on Capitol Hill—was our shared desire to eliminate hunger in this country and around the world. As colleagues in the 1970s on the Senate Hunger and Human Needs Committee, we worked together to reform the Food Stamp Program, expand the domestic school lunch program and establish the Special Supplemental Program for Women, Infants, and Children.

More than a quarter-century later, with political ambitions long behind us, we joined together again. Soon after President Bill Clinton named George ambassador to the U.N. Food and Agriculture Organization in 1998, he called to ask for my help in strengthening global school feeding, nutrition and education programs. We jointly proposed a program to provide poor children with meals at schools in countries throughout Africa, Asia, Latin America and Eastern Europe. In 2000, President Clinton authorized a two-year pilot program based on our proposal, and in 2002, Congress passed and President George W. Bush signed into law the McGovern-Dole International Food for Education and Child Nutrition Program. Since its inception, the program has provided meals to 22 million children in 41 countries.

In recent years, George and I had several occasions to get together and reflect on our lives, our political careers and our respective presidential campaigns. No matter how many times we replayed it, he never did defeat President Nixon and I never did defeat Bill Clinton. We agreed, however, that the greatest of life's blessings cannot be counted in electoral votes.

In 2008, George and I were humbled to be named the co-recipients of the World Food Prize. As we were called on stage to accept the award, we once again reached across the aisle, walking to the podium literally arm-in-arm. I began my acceptance remarks by saying that ''The good news is that we finally won something. It proves that you should never give up.''

There can be no doubt that throughout his half-century career in the public arena, George McGovern never gave up on his principles or in his determination to call our nation to a higher plain. America and the world are for the better because of him.

STATEMENT BY ADMINISTRATOR SHAH ON THE PASSING OF SENATOR GEORGE MCGOVERN

Senator George McGovern was a tremendous leader in the global movement to end hunger and malnutrition, and his partnership and friendship to the U.S. Agency for International Development will be irreplaceable. Senator McGovern's ties to our Agency date back to his appointment by President John F. Kennedy as the first Director of Food for Peace in 1961. He noted that this time at USAID was key to making him a lifelong champion of combating hunger, a commitment that has shaped global institutions and impacted millions of people around the world.

In his 18 years in the U.S. Senate, he sponsored numerous health and nutrition programs and served as chair of the Senate Select Committee on Nutrition and Human Needs. In addition to fighting hunger in the United States, he also teamed up with Senator Robert Dole to successfully pass the McGovern-Dole International Food for Education and Child Nutrition Program, which provides school meals to millions of children around the world each year. He played an instrumental role in helping establish the UN World Food Programme and was appointed as the UN's first Global Ambassador on World Hunger in 2001. He was recognized for his great leadership as co-Laureate of the World Food Prize in 2008.

Senator McGovern's tireless dedication to ending hunger and malnutrition helped encourage a renewed focus on food security around the world, including President Obama's global initiative Feed the Future. Across more than six decades of public service, he inspired countless others with his leadership, friendship, and commitment, always taking the time to mentor and coach young people.

Senator McGovern will be greatly missed, but his legacy has left us inspired and re-energized to carry his mission forward.

[From the Daily Beast, Oct. 22, 2012]

ROBERT SHRUM ON FRIEND GEORGE MCGOVERN, THE PROPHET POLITICIAN

(By Robert Shrum)

Written off today as history's greatest loser for his 1972 presidential drubbing, the

senator should be remembered for moving America forward on innumerable issues, from Vietnam to gay rights, says friend and former speechwriter Robert Shrum.

When I was first called and told that George McGovern was in hospice care, I was overwhelmed with sadness. Yes, at 90, he had lived a long and extraordinary life, but when I talked with him in recent years, he was tirelessly immersed in public events, acutely insightful, a political leader retired from office though never from caring or speaking out. He had an undiminished sense of the possible, and how to push the boundaries. In him, that combination was not always seen or credited—in part because he was so genuinely principled, and of course because he so decisively lost in 1972.

So I think of him, and will write of him here, as a great undaunted man, often intentionally misunderstood, caricatured by opponents on the right and inside his own party, but who nonetheless lifted the vision of the nation—and in his friend Robert Kennedy's phrase, ''made better the life of the world.''

I am not an objective observer. He was a shining and shaping force in my life. He trusted me to help with his acceptance speech for the Democratic presidential nomination when I was still in my 20s and had come to his campaign only weeks before the convention. He taught me about foreign policy and farm policy, and how to sip a vodka martini. When I worked for him in the Senate, he and his wife, Eleanor, one of the sharpest and sweetest people I ever met, took me on my first European trip, and then again to Asia. It's a journey that has never ended and without them might never have started.

In his last gift of public service, as the American ambassador to the United Nations Food and Agriculture Organization in Rome under President Clinton, and for a while even under President George W. Bush, George and Eleanor happily let me guide them around museums and churches—and restaurants—I'm certain they had been to before. It was a reprise of my days there more than two decades earlier, when we were on our way home from India, Pakistan, and Vietnam, and they changed our stopover from London to the Eternal City because I so yearned to see it. My wife, Marylouise, who loved to cook risotto for George as much as he loved to eat it, more than once said he was a second father to me. In that, I was not alone.

In the mid-1970s, when George had many years ahead of him, and fir more to give, I decided to write a book called Losers about presidential candidates who, despite defeat and the blame that inevitably follows, had moved America forward in transformational ways. George would have been the concluding chapter. I sat down with one of the leading publishers in New York who dismissed the idea. Nobody, he said, wants to read about losers. Then he wondered if I'd be interested in ghostwriting a book for Nixon attorney general and Watergate criminal John Mitchell. I wasn't and I doubt Mitchell would have been interested in me.

When I told George, he laughed. Maybe I could refute ''our'' speeches on the Watergate cover-up during the '72 election. The irony was that George had been entirely right then, and his criticisms had been largely dismissed. President Nixon might have been impeached, but George was still written off as history's biggest loser.

History itself has bigger claims and a longer view. George, who bridled at being labeled an isolationist or an extremist—he was neither, but he was only human—also had a certain equanimity about the stereotype, a belief that what he had cared for, stood for, and accomplished mattered more than what was said about him. But in death if not in life, he deserves a fair accounting of who he truly was, and the differences he made.

George would reject similar counsel of caution to address an openly gay political organization in Los Angeles. He was the first United States senator ever to do so.

For example, his famous 1972 call to ''Come Home, America,'' smeared then by Nixon's henchmen and since then by the neocons as a slogan of weakness, a policy of withdrawal from the world, was in reality a summons to honor defining American values and national interest. It surely was a demand to end the Vietnam War but also to pursue a ''just and decent'' activism abroad that in the end would strengthen our national security—and our claim to be the ''last, best hope of earth.'' For this, the decorated bomber pilot of World War II was reviled by the campaign of someone who had spent those dangerous years playing poker in the South Pacific. But the standard George raised has a lasting and fateful relevance. How much better off we would be now if his warning to refuse the wrong war and instead rebuild our own country had been heeded as the Bush administration plotted to plunge into Iraq.

George was as right about Vietnam as he was about Watergate. And another caricature hurled at him in 1972—that he favored ''acid, amnesty, and abortion''—is in retrospect a partial libel, but in the main a tribute. He never favored the legalization of hard drugs. But amnesty for those who in conscience could not serve in Vietnam, which he saw as an essential part of healing the wounds of war, was granted within four years by President Carter. And a woman's right to choose was secured by the Supreme Court just months after George lost 49 states.

He also changed forever the way we nominate presidential candidates. The McGovern Commission he led reformed the process, breaking the grip of party bosses and ceding the power to voters in primaries and caucuses. He secured fair representation for women and racial and ethnic minorities that now encompasses LGBT Americans too. He put the people back in the party, and he's the reason the Democratic Party looks like America. The McGovern model has been tweaked, but it remains fundamentally the same, and it's been adopted by Republicans as well as Democrats.

George could achieve this, and more that I will honor him for here, because of perhaps the least noticed truth about him. He was a great politician. He was a college professor first elected to Congress in conservative South Dakota in the Eisenhower sweep of 1956. But there were lines he wouldn't cross even if it was politically prudent. He lost his first bid for the Senate in 1960 because he spurned the advice to avoid a campaign stop with John F. Kennedy, who was deeply unpopular in the state. (Eighteen years on, facing a tough re-election campaign, the one he would finally lose, George would reject similar counsel of caution to address an openly gay political organization in Los Angeles. He was the first United States senator ever to do so.)

After the 1960 election, the president-elect called him and said: ''Hi, George. This is Jack. I'm terribly sorry I cost you that Senate seat.'' Kennedy then appointed him director of the new White House Office of Food for Peace.

The episode forged his friendship with Bobby Kennedy, and soon after Teddy, and it left him with a lifelong passion to end the plague of hunger in the world and the shame of hunger in America. He took that passion with him when he won a Senate seat two years later by a mere 597 votes. He would be elected three times in all, a remarkable record in a state that usually disagreed with him but respected his authenticity and the steadfastness of his beliefs. He turned his vulnerability into an asset

As he declared for president in 1972 against one of the strongest primary fields in the modern era, he seemed to have few assets. Starting out far behind, in single digits, he triumphed as the anti-war candidate; he also maneuvered adroitly in states like Wisconsin, where he appealed to blue-collar voters with a proposal for property tax reform. He had a masterful strategy, and he assembled a masterful organization of the young and the talented.

George was unlucky too—and in politics, genius is often luck. He wasn't going to beat Nixon, but the contest could have been much closer. And he might have survived to run the next time. Then he selected his running mate, Missouri Sen. Tom Eagleton, in the way it was customarily done then—with a few questions and no formal vetting. The choice blew up when the press reported that Eagleton, who had offered the reassurance that there was nothing embarrassing in his background, had undergone a series of shock treatments for depression. Eagleton was replaced; George fell 20 points behind and stayed there. The collateral result was the elaborate process for picking a vice-presidential nominee that has prevailed ever since. It's one legacy George would have preferred not to create.

It's telling that in the 2012 campaign, the stronger position on abortion and women's issues is the one he had 40 years ago. He was ahead of his time, and he was a reshaping influence on our times.

He not only opposed the Vietnam War but afterward proposed the reconciliation that was delayed until the 1990s. Gerald Ford might have gone for it—he discussed it with George—but flatly ruled it out 10 days after Ronald Reagan announced a challenge to Ford's renomination.

George advocated normalization of relations with China in a series of lectures in 1951, at the height of the Korean War. He did it again to far more attention—the lectures had provoked only a venomous response in the local newspaper—on the Senate floor in 1966, during the escalation of the Vietnam War. He called for an end to the embargo on Cuba a decade later and twice visited the island to meet Fidel Castro.

Review what I have recounted so far: events have proved him correct, as they will on Cuba. He was to a very real degree the politician as prophet. He had no meanness, but there was steel in his convictions. His Senate colleagues squirmed in 1970 as he reproved them before a vote on setting a deadline to withdraw from Vietnam: ''Every senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval, and all across our land—young men without legs, or arms, or genitals, or faces, or hopes.''

Yet he could work with those on the other side, including the usually intractable right-wing senator from North Carolina, Jesse Helms. George made peace with Nixon, who had plotted to blame him for the shooting of George Wallace, and visited Nixon's home in New Jersey. George McGovern never yielded in his beliefs, but he never hated either. Indeed he treasured his relationship with the conservative icon Bill Buckley, whom he debated repeatedly on Firing Line. For one taping of the show in 1984, the team of McGovern and Shrum bested Buckley and George Will, persuading an audience at the Yale Political Union to vote for Walter Mondale over Ronald Reagan. After the election, Buckley said the same thing both to George and me: ''As Yale goes, so goes Minnesota.'' George joyfully repeated the line.

It was his inner core that made him a torchbearer of ideals. But it was his temperament, his respect for others, that let him collaborate with Bob Dole to save and

expand the Food Stamp Program. Millions of people in America who may not remember his name will not go hungry today because of George—and others half a world away are alive and whose children are alive because of his service from Food for Peace from 1961 to 2001, when he resigned as ambassador to the U.N. food agency.

His is a dual legacy, of ideas and of so many individuals he brought into politics who stayed to make their own mark.

There was his proposal for tax simplification—lowering rates and closing loopholes—which predated the reform Reagan negotiated with the Democrats by 14 years. The notion is still at the center of campaign conversation today, in the bastardized form Mitt Romney exploits to conceal his giveaways to the wealthy. George would be the first to denounce it; as he once said: ''Money made by money should be taxed at the same rate as money made by men''

Those who enlisted with George in 1972 constitute a legion of significance in our national life, foremost among them the young Yale Law student who was our co-campaign manager in Texas, BM Clinton, along with friend Hillary Rodham. As president, Clinton would cast himself as a centrist Democrat, and George sometimes thought he was wrong, for example, on gay rights and the Defense of Marriage Act. (Clinton now thinks he was wrong too.) But George was also fiercely loyal to Clinton and quietly proud that he had started out in the McGovern campaign, in one of the toughest and most hopeless states.

I have been fortunate. Two leaders were at the center of my life in politics. I was graced by their friendship and the privilege of a place in their campaigns and their causes. Ted Kennedy was the greatest senator in a century, and maybe ever. George McGovern served in the Senate for a little more than a third as long, but he too had a singular greatness. He too changed America—and brought us close to the best America.

I will never forget what happened as the 1972 landslide poured in on us. I walked into the candidate's suite where he was standing over the sink, shaving. His assistant Jeff Smith, who ran the traveling party, was crying. George put down his razor and said: ''Jeff, it's OK. It's OK. We'll wake up in the morning and our lives will go on.'' Jeff choked back his tears and replied: ''That's easy for you to say.''

It wasn't, of course. And things weren't always easy for him, in politics or in a life where he lost two adult children, his daughter Terry and son Steve. He spent his last years without his Eleanor. But he got up in the morning, and for him life didn't just go on. He made it count, in his youth and his age, in office and out, in victory and defeat.

People close to George admired him because he held himself to a higher standard. We loved him for the person he was.

It has been used as a term of derision, but I will always be proud to be a McGovernite.

TRIBUTE TO SHERIFF JOSEPH WAMPLER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Sheriff Joe Wampler. My long time friend, Sheriff Wampler is retiring on January 1, 2013, capping a career in law enforcement that dates back to 1973 when he began working for Hood River County at the age of 19 as a seasonal Marine Deputy. Sheriff Wampler has dedicated nearly four decades to duty, honor and service to the citizens and visitors of Hood River County, Oregon.

Joe began his full-time career in law enforcement in my home town of Hood River as a patrolman with Hood River Police Department, steadily rising through the ranks to that of captain. He was elected sheriff and took office in 1993. At that time, the entire patrol division had four vehicles to share, prompting Sheriff Wampler to institute a vehicle replacement program that endures today. Every deputy on his watch now has their own dedicated vehicle, improving response time and reducing vehicle maintenance.

During Sheriff Wampler's five terms in office, the agency acquired much needed, specialized equipment to assist with rural law enforcement and search and rescue needs. Today, the office has three airplanes, a snow cat, snow machines, ATV's, a mobile command vehicle and a mobile command trailer just to name a few.

This equipment has aided the sheriff's office in numerous search and rescue operations, including a December 2006 mission that gained national attention. Sheriff Wampler led the search effort for three missing climbers on Mt. Hood, personally piloting the department's Piper Cub airplane to look into one final tip before making the difficult decision, after two weeks of searching, to focus on recovery of the climber's remains. His personal passion for the residents and visitors of Hood River County is an inspiration.

Additionally, Sheriff Wampler was one of the founding members of Northern Oregon Regional Corrections (NORCOR), the regional jail facility in The Dalles. NORCOR, which opened in 1999, replaced Hood River and Wasco Counties' aging jail facilities and gave Sherman and Gilliam Counties a dedicated jail. NORCOR gave Hood River County over 40% more jail space with minimal financial impact.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Sheriff Joe Wampler. He has earned the thanks of a grateful nation not only for his dedication to service, but also for his unwavering commitment to his community. Please join me in wishing him a very long and happy retirement.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. TERRY. Mr. Speaker, due to mechanical difficulties, I was unable to make votes on Monday, December 17, 2012. Had I been present, I would have voted ''aye'' on both H.R. 4604 and S. 3193.

HONORING THE HONORABLE WILLIAM C. COLEMAN, JR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. MICA. Mr. Speaker, I rise today to pay tribute to a great American patriot, an accomplished state and national leader and a wonderful personal mentor and friend, William C. Coleman, Jr. passed away on December 13, 2012. With the passing of Bill Coleman, the Central Florida community and our country has lost one of the outstanding figures of our time.

Born in Tennessee, Bill was first introduced to Central Florida when he would frequently visit his grandparents who lived in Lancaster Park. Hours after graduating High School, Bill enlisted in the United States Army.

During World War II, as an Army Paratrooper with the 101st Airborne Division, he landed in France in June of 1944 during the Normandy Invasion behind enemy lines. After his capture and survival as a Prisoner of War, he returned to civilian life. He is the recipient of the Purple Heart, Bronze Star and POW medal. His passion to aid those who served in our nations military never faltered. Bill would make two more jumps into Normandy; one in 1994 and another in 2004 to mark the 50th and 60th Anniversary of D-Day.

Bill enjoyed a successful real estate career and also taught the subject to many at Rollins College as well as launching what has been decades of community service. He was an active member and leader in numerous organizations including the University Club and Republican Party of Florida. In Central Florida, he was a Charter Member of the Tiger Bay Club, a founding Member of the Central Orlando Kiwanis Club and President of the Central Florida Veterans Council. In addition, Bill served as Chairman of the Orange County and Orlando Mayor's Advisory Council as well as serving as the Central Florida Veterans Memorial Park Foundation's first President. Countless community organizations and events were successful because of his tireless work and support.

Bill Coleman was elected to the Florida State House of Representatives in 1955 and later served as Florida's first Secretary of Transportation. At the national level, he was selected by President George W. Bush to serve as United States Commissioner of Public Buildings.

Bill Coleman's tireless efforts to aid American Veterans were instrumental in securing a new VA Hospital and extensive medical complex in Central Florida scheduled to open next year.

To honor the service and memory of our veterans and military, Bill also helped to lead and support memorial projects to commemorate and recognize their contributions to keeping America free.

While Bill's family has lost a loved one, I have lost a wonderful friend and mentor. From my very first days in Central Florida 40 years ago, Bill Coleman never stopped assisting or inspiring me. He, more than anyone in the community, helped me be part of numerous civic endeavors, veterans' programs and Republican Party and leadership positions. For this special guidance, assistance and friendship I will forever be grateful.

As we honor and recognize Bill Coleman's many life achievements, our sympathy is extended to his wife, Toni, and family. Bill's passion for our veterans was only exceeded by his love of his wonderful wife and children. They include his sons Kevin and Billy and his daughter Kim as well as eleven grandchildren and nine great-grandchildren.

In closing, my colleagues, I ask you to join me in both paying tribute and recognizing the life and service of William C. Coleman, Jr.

HONORING MR. LEON PAGE

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WHITFIELD. Mr. Speaker, I rise today to honor the life of Mr. Leon Page, who passed away last Monday, December 10, 2012.

Mr. Page was a community leader and philanthropist who helped organize Franklin Bank and Trust and served as chairman of the bank's board of directors for 45 years.

In his 90 years of life, Mr. Page helped open and lead what became the largest bank in Franklin, Kentucky, an area I have the privilege of representing in the First Congressional District of Kentucky.

Mr. Page was active in all facets of the community. He was instrumental in industrial development in Franklin and Simpson County and was active in various community organizations. Having served as President for both the Franklin-Simpson Chamber of Commerce and the Franklin Rotary Club, Mr. Page also helped organize the Caveland Girl Scout Council and was treasurer of the Quarterback Club.

Leon Page served on the Kentucky Bankers Association and various boards and councils at Western Kentucky University. He also established a scholarship fund at Western Kentucky University that awards a four-year scholarship to a Franklin-Simpson High School graduate who majors in business each year.

I join the family, friends, and entire Franklin, Kentucky community in mourning the passing of this great man. He demonstrated the best of the values found throughout the First Congressional District of Kentucky. He is someone who, despite his personal success, will best be remembered as inspiring and helping guide others to achieve success for themselves, and a man who graciously gave back to a community that had given him so much.

TRIBUTE TO ABRAM ''CAPTAIN'' COLES, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazing first responder from Columbia, South Carolina. Abram ''Captain'' Coles, Jr. passed away on December 12, 2012, at the age of 87. He devoted 35 years of service to the Columbia Fire Department that he helped integrate, and this remarkable man will be sorely missed.

Abram Coles, Jr. was born July 7, 1925 in Hopkins, South Carolina to Abram and Patsy Gunter Coles. He was educated in the public schools of Richland County and graduated from Booker T. Washington High School in Columbia in 1943.

After graduation, Abram was inducted into the U.S. Navy and served from 1943 to 1946. One of the highlights of his tour of duty was accompanying General Patton on his return from Europe to the United States.

After completing his military service, Abram enrolled at Benedict College in Columbia, and graduated in 1951 with a Bachelor's degree in Chemistry. In 1953, he became one of the original eight African Americans to join the Columbia Fire Department. He was assigned to the Harden Street Fire Station. While employed as a fireman, he taught classes and rose through the ranks to become the first African-American Captain in Columbia.

Abram was also very active in many professional organizations including the South Carolina Firefighters Association, and was the 2002 President of the Retired Columbia Firefighter's Association. He was also a member of the Townsmen's Club of Columbia, where he served as president for several years.

Abram was an avid bridge player and enjoyed gardening and fishing. In his spare time, he painted homes and businesses and enjoyed repairing just about anything.

Abram was baptized at an early age at Zion Benevolent Baptist Church in Hopkins. After relocating to Columbia, he joined First Calvary Baptist Church and served there for many years. Later, he became a member of St. Luke Episcopal Church of Columbia where he served with the men's club until his health declined.

He was married to Lillie Mae Weston for 33 years until her death. In 1988, he married Jacqueline Parks. Abram had one daughter, four grandchildren, and one great-grandson.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the extraordinary contributions of this ordinary man. I, like so many others in Columbia, South Carolina, am proud to call Abram Coles, Jr. a friend. He made a lasting impression on his community and all who knew him, and that is a tremendous legacy.

IN MEMORY OF SENATOR DANIEL INOUYE

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the memory of Senator DANIEL INOUYE of Hawaii. Senator INOUYE was an extraordinary leader, family man, and American hero. He leaves behind his wife Irene and son Ken, as well as countless friends and constituents who mourn his passing. He was 88.

Senator INOUYE served nobly in World War II and was awarded a Medal of Honor. He then continued to devote his life to our Nation and the State of Hawaii by becoming the state's first congressman as well as a nine-term senator. He was eventually appointed to the prestigious position of Chairman of the Appropriations Committee, and in his work he was always mindful of strengthening our national security and fulfilling our promises to our veterans. Many of my constituents have family and friends in Hawaii, and I know they all directly benefited from his hard work and commitment to the values of the American people.

Mr. Speaker, Senator INOUYE was a model of integrity, courage, and bipartisanship. His presence will be sorely missed, but I know his memory will inspire our leaders in years to come. I extend my thoughts and prayers to his family and loved ones. I hope they find some comfort in knowing the incredible legacy he leaves behind in hearts across the Nation.

PERSONAL EXPLANATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 627 & 628, I was unavoidably detained.

Had I been present, I would have voted ''aye'' on both rollcall votes.

MOROCCAN AUTONOMY PLAN

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. RIVERA. Mr. Speaker, like so many others, I ran for Congress because I believe in the greatness of the American people, the nobility of our national ideals, and the eminence of our principles and rights that have made America that shining city upon a hill.

But there are still many peoples who yearn for freedom and basic human liberties. The Sahrawi people of Western Sahara have been trapped in dreadful and oppressive conditions for over thirty years with the support and enabling of a compromised and corrupt Algerian government and its puppet regime, the Polisario Front.

The Polisario instituted mass kidnappings of Sahrawis from their homes into the Tindouf region in Western Algeria. The majority of these refugees have remained warehoused and imprisoned in Tindouf's sprawling camps for 35 years.

The Polisario partners and collaborates with the likes of Cuba, whose military distributes food in the camps on a quid pro quo basis and ''educates'' children who have been reportedly stolen from their parents, and Al-Qaeda in the Maghreb.

The Government of Morocco has advanced an Autonomy Plan that does address these issues and provides a clear, simple, transparent and democratic solution to the long drawn out Sahara crisis. This is where America's support should lie.

Mr. Speaker, the United States can and must continue to advance fundamental human rights, freedom and democracy as we, in this chamber, continue to work together for peace, justice, and human dignity in the Western Sahara.

THE MOROCCAN INITIATIVE IN THE WESTERN SAHARA

The Moroccan initiative comes in response to repeated requests of the United Nations Security Council and several of its key members, including the United States, that Morocco propose a solution to this longstanding problem that could facilitate the opening of negotiations for a ''just, durable and peaceful'' political solution.

After nearly a decade of trying to bring the Polisario and Morocco to agreement to conduct a referendum to determine the territories future, Kofi Annan, then Secretary

General, and James Baker, then Personal Envoy for the Western Sahara, reported to the Security Council that it was not possible to achieve agreement between the Polisario and Morocco on the central issue of who should be permitted to vote in a referendum. Consequently, Annan and Baker recommended that the Security Council encourage Morocco and the Polisario to enter into direct negotiations to find a compromise political solution. The Security Council accepted the assessment of Annan and Baker that a referendum would not be possible, and began a process carried through several years of UNSC resolutions calling for direct negotiations.

James Baker proposed two such compromise political solutions based on the underlying assumption that the proposals would allow Morocco to remain sovereign in the Western Sahara, but that the territory would benefit from a substantial autonomy that would allow it to become self-governing. Morocco accepted the first Baker proposal as the basis for direct negotiations, but the Polisario refused. The Polisario accepted the second Baker proposal, but Morocco refused since it did not allow for direct negotiations between the parties on the terms of the arrangement. The Moroccan proposal is the first and only proposal to come from one of the Parties to the conflict in response to the Security Council encouragements. In various forms, the Polisario has continued to insist that the referendum be held, and threatens a renewal of hostilities and the eviction of the United Nations peacekeeping force from the territory under its control, despite the fact that the Security Council repeatedly has made clear that this solution is no longer viable.

SUMMARY OF THE MOROCCAN INITIATIVE:

The initiative is the product of a year long internal and foreign Moroccan consultation process. All sectors of the Sahrawi population were included in the consultations and the views of foreign governments and expert international authorities were sought before the plan was finalized for presentation to the United Nations.

The plan itself represents an outline for a political solution that traces what Morocco considers to be the broad scope of an autonomy arrangement for the Western Sahara. It does not go into extensive detail on its various aspects on the assumption that such specific arrangements should be the result of direct negotiations rather than the imposition of only one of the parties to the dispute.

The plan provides for a local elected legislature that would subsequently elect an executive authority. It also would establish a separate judiciary for the autonomous region with competence to render justice on matters specific to the autonomous status of the region. The legislature would elect a chief executive.

The formula proposed by Morocco would ensure majority representation in the legislature for Sahrawi inhabitants of the autonomous region, while also ensuring credible legislative representation for non-Sahrawis who have been long-time residents in the territory. Residents of the autonomous region would also continue to elect representatives to the national legislature.

The government of the autonomous region would have exclusive authorities on some issues, shared authority with the central government of Morocco on others and consultative rights on authorities that remain reserved to the central government and that effect the region.

The autonomous government would control local administration, local police, education, cultural development, economic development, regional planning, tourism, investment, trade, public works and transportation, housing, health, sports and social welfare. It would have taxing authorities to support these functions and would continue to receive funding from the central budget as well. It would be able to establish foreign regional trade relations offices and would have consultative rights on other sovereign foreign agreements affecting the region.

The central government would retain exclusive jurisdiction over the normal elements of sovereign authority: national defense, currency, postal, and foreign affairs and religion, over which the Monarchy has a special status in Morocco.

The chief executive of the autonomous region would be elected by the legislature, but would be invested by and serve in the name of the Monarchy.

The initiative also envisages transitional bodies to guide the central government and the autonomous authority through the initial stages of implementation of the plan.

All individual rights guaranteed under the Moroccan Constitution would continue to apply to all residents of the autonomous region.

MOROCCAN INITIATIVE FOR NEGOTIATING AN AUTONOMY STATUTE FOR THE SAHARA REGION

I. MOROCCO'S COMMITMENT TO A FINAL POLITICAL SOLUTION

1. Since 2004, the Security Council has been regularly calling upon ''the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution.''

2. Responding to this call by the international community, the Kingdom of Morocco set a positive, constructive and dynamic process in motion, and pledged to submit an autonomy proposal for the Sahara, within the framework of the Kingdom's sovereignty and national unity.

3. This initiative is part of the endeavors made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development As such, it brings hope for a better future for the region's populations, puts an end to separation and exile, and promotes reconciliation.

4. Through this initiative, the Kingdom of Morocco guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.

5. Thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life.

6. The State will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King.

7. The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution.

8. As the outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of self-determination and with the provisions of the UN Charter.

9. To this end, Morocco calls on the other parties to avail the opportunity to write a new chapter in the region's history. Morocco is ready to take part in serious, constructive negotiations in the spirit of this initiative, and to contribute to promoting a climate of trust.

10. To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

II. BASIC ELEMENTS OF THE MOROCCAN PROPOSAL

11. The Moroccan autonomy project draws inspiration from the relevant proposals of the United Nations Organization, and from the constitutional provisions in force in countries that are geographically and culturally close to Morocco. It is based on internationally recognized norms and standards.

A. POWERSOFTHESAHARAAUTONOMOUSREGION

12. In keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following:

Region's local administration, local police force and jurisdictions;

In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;

Region's budget and taxation;

Infrastructure: water, hydraulic facilities, electricity, public works and transportation;

In the social sector: housing, education, health, employment, sports, social welfare and social security;

Cultural affairs, including promotion of the Saharan Hassani cultural heritage;

Environment.

13. The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:

Taxes, duties and regional levies enacted by the Region's competent authorities;

Proceeds from the development of natural resources allocated to the Region;

The share of proceeds collected by the State from the development of natural resources located in the Region;

The necessary funds allocated in keeping with the principle of national solidarity;

Proceeds from the Region's assets.

14. The State shall keep exclusive jurisdiction over the following in particular:

The attributes of sovereignty, especially the flag, the national anthem and the currency;

The attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of worship and of individual and collective freedoms;

National security, external defense and defense of territorial integrity;

External relations;

The Kingdom's juridical order.

III. APPROVAL AND IMPLEMENTATION PROCEDURE FOR THE AUTONOMY STATUTE

27. The Region's autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.

28. To this end, the parties pledge to work jointly and in good faith to foster this political solution and secure its approval by the Sahara populations.

29. Moreover, the Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee

its sustainability and reflect its special place in the country's national juridical architecture.

30. The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation's fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their property.

31. To this end, the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty.

32. Once the parties have agreed on the proposed autonomy, a Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.

33. Just like the international community, the Kingdom of Morocco firmly believes today that the solution to the Sahara dispute can only come from negotiations. Accordingly, the proposal it is submitting to the United Nations constitutes a real opportunity for initiating negotiations with a view to reaching a final solution to this dispute, in keeping with international legality, and on the basis of arrangements which are consistent with the goals and principles enshrined in the United Nations Charter.

34. In this respect, Morocco pledges to negotiate in good faith and in a constructive, open spirit to reach a final, mutually acceptable political solution to the dispute plaguing the region. To this end, the Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute to the successful outcome of this initiative.

35. The Kingdom of Morocco hopes the other parties will appreciate the significance and scope of this proposal, realize its merit, and make a positive and constructive contribution to it. The Kingdom of Morocco is of the view that the momentum created by this initiative offers a historic chance to resolve this issue once and for all.

HONORING THE PUBLIC SERVICE OF CLARK COUNTY COMMISSIONER MARC BOLDT

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor a good friend and dedicated public servant. Marc Boldt was born in Vancouver, Washington, and has been a resident of Hockinson, Washington since 1985. I've known Marc since I was young and my family lived close to his farm where I picked blueberries along with my brothers. Marc was elected to the State Legislature in 1994 from Washington's 17th Legislative District where he served 5 terms as a state representative, until he was elected to the Board of Clark County Commissioners in 2004. His second term will end at the close of this year.

Throughout his time as an elected official, Marc Boldt has provided strong leadership and a willingness to put the people of Clark County first. He has been a business advocate, a tireless supporter of the agricultural community, and a friend to the people he was elected to serve.

Adding to all of this, Marc and his wife Dawn have six children and three grandchildren. Marc is a current member of the Clark County Farm Bureau and has served over 18 years as a local youth leader and Sunday school teacher. He is a former member of the Hockinson School District Curriculum Committee and the Future Farmers of America—Clark County Chapter. Marc has served over 10 years as a local 4H Leader.

I believe his deep roots in our community have provided him with the passion and energy to serve the people who live here. When he's not in Commission meetings or visiting farms and businesses throughout the county, you'll find him serving the community in some other way. In the month of August, there's only one place to find Marc—the Clark County Fairgrounds. He'll be serving up BBQ sandwiches or handing change to customers, all in the name of supporting Young Life to try and provide a positive influence in the lives of Clark County teens.

His work on behalf of the people who live in Clark County has earned the respect of people of all political stripes.

While his service on the Board of Clark County Commissioners will end in January of 2013, Marc will no doubt continue to serve the people of Southwest Washington as a community leader. He is a loving husband, father, grandfather, public servant, and a friend to all. Today, I ask all members of Congress to join me in honoring an extraordinary man and public servant, Marc Boldt.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GERLACH. Mr. Speaker, on December 17, 2012, I unfortunately missed two recorded votes on the House floor. Had I been present, I would have voted "aye" on rollcall 627 and "aye" on rollcall 628.

HONORING THE LIFE AND MEMORY OF JUSTIN KUNICK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. HIGGINS. Mr. Speaker, I rise today to celebrate the life and memory of a great Western New Yorker, Justin Kunick. Teacher and coach to many but inspiration to all, Kunick encouraged those around him to rise above the obstacles and put forth their best effort in the classroom, on the field and in all other arenas.

No stranger to obstacles, Kunick faced his first when he was born with a heart defect and underwent surgery to save his life. Two years later further complications temporarily paralyzed the right side of his body forcing him to become dominant from his left. With a complicated medical record, one of the last places you would expect Kunick to be attracted to was the baseball diamond, but that's exactly what happened.

Although he had lost the ability to operate fully from his right side, it did not stop him from pitching more games, 36 to be exact, than anyone in Keuka College history. After college Kunick left New York State, moving to Florida to teach chemistry and coach the game that he had come to love. He spent the next six years as an assistant coach at Ridgewood High School before moving to Fivay as its schools head coach.

At Fivay, Kunick rebuilt the baseball program instilling discipline and encouraging perseverance. He developed close relationships with his players and created a reputation as a coach who would do anything for his boys. Eventually a new team motto sprouted from his leadership, rise above.

In February, Kunick encountered a new hurtle after being diagnosed with Stage IV colon cancer. Living up to his team motto, he quickly underwent surgery and was back on the field the next week. In and out of the hospital, Kunick watched over his team contacting them by phone and text messages between innings.

On April 27th Justin Kunick lost his battle with cancer at the age of only 32. Although he is no longer with us, his spirit lives on in his students and players. Kunick believed that you could overcome anything life threw at you; as long as you were giving it your all, you were rising above.

Mr. Speaker, today I call on my colleagues in Congress to join me in celebrating the life and spirit of a great man who lived with enduring principles. It is my privilege to honor Justin Kunick's memory today.

HONORING THE STEVENS FAMILY IN AMERICA, 11 GENERATIONS ALWAYS MOVING FORWARD

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. SIRES. Mr. Speaker, I rise today to honor the John Stevens Family on all of their great accomplishments as entrepreneurs and philanthropists, and to share the history of the family that founded the Stevens Institute of Technology. Stevens Institute of Technology was founded in 1870 and is named for a distinguished family of engineers and inventors who have made tremendous contributions to our nations' maritime and railroad systems. Stevens' 55-acre tree-shaded campus occupies part of the family's original estate, near the edge of the Hudson River at Castle Point in Hoboken, New Jersey overlooking Manhattan.

Stevens, also known as "The Innovation University," has a student population of more than 6,000 students and over 37,000 alumni. Alumni have leadership positions in many industries including construction, power generation, telecommunications, green energy, biotechnology, transportation, green energy and the financial community.

Today there are more than 400 descendants of the Stevens family throughout the United States and abroad. On October 6, 2012, they came to Stevens Institute of Technology for their first family reunion in more than 30 years to reconnect, to learn about their family history, and to gain an understanding of the many ways the university

founded by their ancestors 142 years ago has contributed to our society.

The most notable member of the family was Colonel John Stevens III. During the Revolutionary War, he was appointed to be a captain in Washington's Army at age twenty-seven. Later he was promoted to Colonel, and collected taxes for the American cause as Treasurer of New Jersey. After the war in 1784, he purchased land that is now Hoboken, and includes the current campus for Stevens Institute of Technology.

In 1798, Colonel Stevens was the first inventor to build and sail a steamboat on the Hudson River. The Colonel's boiler design, his twin screw propellers, and the steam ferry he ran between Hoboken and New York were among his many outstanding ''firsts.'' His steam ship, the Phoenix, captained by his son Robert was also the first steamship to sail the ocean, in 1809. On land, Colonel Stevens purchased the first American locomotive, the ''John Bull.'' The John Bull is now on display at the Smithsonian Museum in Washington, DC.

The Colonel's sons also developed an aptitude for innovative engineering. His son Robert invented the T-rail for railroads, which is still in use today on railroads throughout the world. Robert also invented the ferry slip, a supporting iron rod for projecting guard beams on steamboats, and made several other improvements to ferries and steamboats. A second son, Edwin A. Stevens, founded the university as a part of his estate. Edwin built and operated New Jersey's first railroad. His experiments also resulted in the iron-clad warship. A third son, John Cox Stevens, was a sailor and joined the syndicate that built the schooner ''America'' and became the first winner of the famed America's Cup racing series. He also founded the New York Yacht Club and this year was inducted into the Yachting Hall of Fame, on October 13, 2012 at a ceremony held in New Orleans, Louisiana.

Other notable Stevens family descendants throughout the years include former Member of Congress, Millicent Fenwick (R–NJ), who was also appointed by President Reagan as the first U.S. Ambassador to the Food and Agriculture Organization in Rome, a U.S. Ambassador to Spain, a casualty and a survivor from the Lusitania, a member of the first class of the Naval Academy in Annapolis, the current CEO of Habitat for Humanity International and more.

I applaud the John Stevens Family for all of their contributions and ask my colleagues to join me in recognizing their great accomplishments. I wish them all continued success and thank them for their dedication to making New Jersey and our country greater for future generations.

TRIBUTE TO KEITH KING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to recognize and congratulate a distinguished member of the Alabama business community, Mr. Keith King, P.E., who is soon to retire from Volkert & Associates, Inc., after 52 years of service.

A 1958 graduate of Auburn University's School of Civil Engineering, Keith King was hired by David G. Volkert as a project engineer in 1960.

Over the last five decades, Mr. King has witnessed many changes in the Mobile-headquartered engineering company which has grown to become one of the top-ranked engineering, planning, and environmental consulting firms in the United States.

Keith served as president from 1983 until 2007 and CEO until 2011. Volkert, Inc. has grown continuously and opened operations centers in 11 States employing over 600 associates.

As an accomplished professional engineer, licensed in eight States, Keith King has obtained national recognition for many of the projects he has engineered and managed. He was Chief Engineer for the Interstate 10 Twin Bridges over Mobile Bay, which was named one of the Ten Outstanding Engineering Achievements of 1978 by the National Society of Professional Engineers (NSPE).

He was principal-in-charge of the Alabama State Docks' McDuffie Coal Export Facility Project, which in 1984 received the Engineering Excellence Award from the American Consulting Engineers Council of Alabama.

In 1992, Volkert's Cochrane/Africatown U.S.A. Bridge over the Mobile River was named one of the Outstanding Engineering Achievements by NSPE and received the Federal Highway Administration Award of Excellence.

All three of these projects are in the State of Alabama Engineering Hall of Fame. Mr. King, himself was inducted in 2001 and Volkert, Inc. was honored in 2002.

Keith has worked hard to improve the areas of licensure, continuing professional development, ethical standards, and professionalism. His involvement includes two terms on the Alabama Licensure Board, the Business Council of Alabama (Chairman, 2000–2001); Alabama Society of Professional Engineers (President); National Society of Professional Engineers (NSPE) (Vice President-Southeast; Chairman, National Membership Committee and Licensure and Qualifications for Practice Committee); Fellow Member of American Society of Civil Engineers and NSPE; Member of the American Consulting Engineers Council.

He remains actively involved with Auburn University, where he has chaired the Auburn Alumni Engineering Council and served on the Auburn University Board of Directors.

On behalf of the people of south Alabama, I extend heartfelt congratulations to Keith and his lovely wife, Julia, as well as their entire family. Additionally, I wish them both a long and happy retirement, including plenty of deep-sea fishing.

CONGRATULATING THE NIGHTHAWKS OF NORTHERN GUILFORD HIGH SCHOOL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. COBLE. Mr. Speaker, there is an old saying that goes, the ''third time is a charm.'' In the case of the football team at Northern Guilford High School, the new expression should be, the ''third time is perfection.'' That is because this football team, located in the Sixth District of North Carolina, just won its third straight state high school football championship. This time, however, the title capped a perfect 15–0 season.

On December 1, 2012, the Nighthawks of Northern Guilford High School defeated Charlotte Catholic 64–26 to capture its third consecutive NCHSAA Class 3–AA championship. Senior T.J. Logan led the way by rushing for an unbelievable 510 yards and scoring eight touchdowns. This was the third straight title for longtime Head Coach Johnny Roscoe. In 2010, Northern Guilford went 14–2 to win the first championship. In 2011, the Nighthawks completed a 14–1 season to secure its second straight title. This year, no one stopped the Nighthawks on the way to a 15–0 season that culminated in their third crown in three years.

What is left for Northern Guilford to accomplish following this three-year run? I'm sure Coach Roscoe, always the perfectionist, could point to many areas for improvement during the season and the title contest. But it is hard to argue against perfection. I think Ed Hardin, the outstanding sports columnist for the (Greensboro) News & Record stated it best: ''We might never see anything like this again in these parts,'' Hardin wrote, ''and in the coming years we'll look back and debate about this team. Was it the best we ever saw? Was the remarkably talented (T.J.) Logan the best player we ever produced in Guilford County? You could make that argument. The game played out like the season. Fast start, confounding moments and then brilliance.''

That brilliance was a team effort all the way and led by Coach Roscoe, who has been around football for four decades. Coach Roscoe was ably assisted by Brian Thomas, Ben Hepler, Richard Burton, Todd Sharp, Lee Meekins, Chris Vaughan, Chris Harris, and Justin Davis. All of these coaches will tell you that the Nighthawks' perfect season was also due to the fine efforts provided by Team Trainer Justin Ollis, Assistant Trainer Valerie Smith, Team Physician Kirstin Shepperson and Team Managers Jenne Livingston, Sydney Monroe, Taylor Phillips, Ashlyn Thomas, and Mercedes Wiglesworth, along with Ball Boy Britt Thomas.

Every one of the 2012 champion Nighthawks can take pride in the completion of this perfect season. They include: Tre Purcell, C.J. Freeman, Brett Welch, Cameron Harris, Mook Reynolds, Robert Willcox, T.J. Logan, AJ Love, Nick Jones, Austin Coltrane, Justin Wallace, Daniel Kelly, Matt Page, Burney Sindab, Tucker Hord, Molick Scott, Chris Ripberger, Malik Parker, Matthew McGarry, Max Maynard, Rory Bergen, Bernard Sindab, T.J. Ruff, Josh Parker, Johnny Loflin, Jacob King, Ryan Johnston, Nick Fryer, Mason Monroe, TyShawn Reese, Austin Simmons, Josh Covington, Max Klietsch, Dylan Hakala, Trey French, Eric Hong, Josh Steele, Kamen Smith, Chris Forlano, Trevor McKee, Steven Branz, Jalen Hollins, Malik Hampton-Prioleau, Andrew Keen, John Wagoner, Tristen Simmons, Alex Hasler, Carlos Williams, Terrell Headen, Bret Unkel, and Duncan Taylordean.

A winning season also requires support from school administrators and leaders and Northern Guilford has a winning team there, too. Congratulations are appropriate for Principal Will Laine, Assistant Principals Doug Foutty and Travis Ward, and Athletic Director Brian Thomas. All can take pride in three straight state championships.

Last, but far from least, we have to mention Nighthawk Nation. I am sure that everyone associated with the football team will tell you that Northern Guilford's formidable fan base spurred them on to victory. No doubt that the students, parents, faculty, staff, and supporters of Northern Guilford football are beaming with pride following a third state championship.

The seniors on this team will move on to their next adventures. For the returning Nighthawks, I am sure they have already begun their dreams of four in a row. If that happens, I plan to be back here again next year offering my own congratulations. For now, on behalf of the citizens of the Sixth District of North Carolina, we congratulate and thank the football team at Northern Guilford High School for showing us how perfection can be achieved. The third time is a charm indeed.

RECOGNIZING THE REPUBLIC OF CHINA (TAIWAN) FOR CONTRIBUTIONS TO THE RECONSTRUCTION EFFORTS FOR THE NE COAST OF THE U.S.

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize the Republic of China (ROC), also known as Taiwan. Immediately after Hurricane Sandy hit the the Northeast coast on October 29th and 30th, many foreign governments and non-governmental organizations offered generous help to the United States. The Republic of China government (Taiwan) offered $1.3 million to aid in relief and reconstruction efforts.

On November 16th Taiwan donated $1 million to two charities, United Way International and Habitat for Humanity International, two of the leading relief agencies. The rest of the funds were distributed to the state governments of New York and New Jersey, which were among the hardest hit areas.

A ceremony marking the transfer of funds to the two charities was held in Washington, DC, on December 6, 2012. On behalf of the current 11th Congressional District, soon to be the 9th Congressional district of New York, I recognize the ROC for their generous contribution and show of good will towards the United States. As parts of the Northeast coast continue to rebuild, on behalf of my constituents, I am grateful to those who have offered their assistance. I thank the ROC and look forward to continuing a long lasting and fruitful friendship.

TRIBUTE TO MAYOR HARRY MASON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to honor the contributions of a remarkable public servant and dear friend, Mayor Harry Mason. In November, Mayor Mason retired after 20 years as chief executive of Pine Hill, Alabama.

In his best-selling 1998 book, The Greatest Generation, former NBC Television anchor Tom Brokaw told the story of what he believed was the greatest generation any society has ever produced. ". . . These men and women fought not for fame and recognition, but because it was the right thing to do. When they came back they rebuilt America into a superpower."

Harry Mason was a product of that historic generation; a native of Southwest Alabama, a hardworking local businessman, and citizen who stepped up to serve his country and his home town because it was the right thing to do.

As an assistant engineer in the Merchant Marine during World War II, Harry was aboard the S.S. Sea Porpoise when it landed 3,000 troops on the beaches of Normandy during the second wave of the famous D–Day invasion to liberate France. On July 5, 1944, the S.S. Sea Porpoise was damaged by a German mine. The ship's complement of 159 crew and passengers, including Harry, were uninjured and the ship survived.

When he returned stateside to civilian life, like so many others of our "Greatest Generation" Harry eagerly rejoined the workforce helping his father run the family business. He invested his life and his heart in Pine Hill, and according to a recent article in the Thomasville Times, Harry wouldn't have had it any other way. "Except for the war, I never even entertained a thought of going somewhere else," he told the paper.

It wasn't long before Harry turned his passion to public service, first as a member of the Wilcox County Board of Education during the tumultuous 1960s and 70s. In 1991, he left his family business of running the Economy Store and instead ran for mayor.

Looking back at 20 years of leading his town, he has much for which to be proud. An expansion of the Pine Hill's water and sewer system and city limits come to mind. Perhaps most notably during his last year in office, Pine Hill landed one of the largest industries to come to Southwest Alabama in years. Harry joined state and local officials in welcoming Golden Dragon Copper to the Pine Hill area in February. When completed, this new factory is expected to employ 300 workers with the potential to reach 500.

An active presence in the community, Mayor Harry Mason has also served as a member of the board of the Bank of Pine Hill. However, of all his many accomplishments, Harry points to his 20 years' service as chief of the Pine Hill Volunteer Fire Department as his greatest.

On behalf of the people of south Alabama, I wish Harry and his wonderful wife, Mittie, the very best for a well-deserved and duly-earned retirement.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. RYAN of Wisconsin. Mr. Speaker, yesterday, I missed rollcall votes 629 and 630. Had I been present, I would have cast the following votes:

Rollcall 629—On Motion to Suspend the Rules and Pass—"yes."

Rollcall 630—On Motion to Suspend the Rules and Agree to the Senate Amendment—"yes."

IN TRIBUTE TO HOWARD AND SUSAN GROFF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, entrepreneurs and patriots Howard and Susan Groff.

The Groffs have owned Northwest Excavating Co., Inc. since the 1960s. Howard's father, Bob Groff, founded the company in 1959 under the name "Northwest Compaction." The company started out modestly, with two backhoes, an Arrow hammer, a skiploader, and a Gradall.

During the first few years, Northwest focused primarily on renting equipment and operators to local grading and sewer contractors. The company prospered during the 1960s due to the ever-increasing construction throughout Southern California. While maintaining a conservative approach towards growth, the company slowly added equipment to its fleet.

During the mid- to late 1960s, Howard and Sue bought the company. Howard often worked as equipment operator, mechanic, lowbed driver, or anything else that needed to be done, while Sue managed the finances. Howard, much like his father before him, undertook a conservative management approach toward the company. During the late 1960s and into the early 1970s, the company grew at a steady pace.

As a result of the company's early experience working for underground sewer contractors, Northwest began an underground utilities division. This division dug trenches for power and telephone lines by the foot, then backfilled and compacted the trenches. Howard did all the estimating and ran most of the jobs. He is now acting CEO while his son Robert has taken over the daily management duties. Sue has stepped aside from the financial end.

Howard and Sue owned and operated, along with their son Michael, Northridge Equipment Rental in five locations in California, which they sold in 2005. The Groffs have also developed, owned, and managed office and industrial buildings throughout the San Fernando Valley.

For more than 30 years, the Groffs owned their own auto racing teams with their sons as drivers, which included racing in the Indy 500 for several years. Howard and Sue also are major supporters of our military and veterans and have been a major sponsor of my U.S. Rep. Elton Gallegly and Friends Operation Toy Drop at Naval Base Ventura County. In addition to voting in every election, they also actively support candidates who share their fiscal conservative convictions.

In addition to their sons Michael and Robert, Howard and Sue have a daughter, Debra, seven grandchildren, and four great-grandchildren.

Mr. Speaker, I know my colleagues join me in paying tribute to my friends Howard and Susan Groff for proving that conservative growth can build successful businesses and for proving their love for America by their generosity to our military men and women and by

taking an active role in the American political process.

CONGRATULATING THE SPANISH FORT TOROS FOR WINNING THE ALABAMA CLASS 5–A FOOTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to offer my congratulations to the Spanish Fort High School Toros for their decisive 45–14 victory over McCalla's McAdory High School Yellow Jackets in the Alabama High School Athletic Association's (AHSAA) 5–A football championship on December 6, 2012.

Spanish Fort's already impressive gridiron record of capturing two state championships in seven seasons is all the more noteworthy since the Toro's young football program only debuted in 2006.

According to the Mobile Press-Register, both teams brought impressive records into the championship game at Auburn University's Jordan-Hare Stadium. ''Spanish Fort had the pinball offense averaging 39.5 points per game. McAdory had the swarming defense that forged an unbeaten season through 14 games.''

However, in the end it was Spanish Fort who dominated the field on both offense and defense, with 377 total yards, while holding the Yellow Jackets to just 187 yards.

The Press-Register further noted, ''Spanish Fort (14–1) extended a school record for points in a single season to 598 with its 45–14 win.''

The Toros took an early lead in the game with two touchdowns before the Yellow Jackets answered with seven points. The Toros then fired back with a vengeance—adding 31 points to the scoreboard.

Senior quarterback Joel Poe was named the Class 5–A MVP after completing 17-of-24 passes for 177 yards and running for a 10-yard touchdown.

The Toros's 5–A victory placed an exclamation point on another season for the record books for Spanish Fort.

Congratulations to Head Coach Mark Freeman, and Assistant Coaches Duane Davis, Shawn DeFoor, Joseph German and Greg Crager, as well as to the Toros players—Sammy Tolbert, Edward Autry, Maxwell Goodwin, Samuel Harris, Myles York, Joel Poe, Matthew Hall, Devonte Patrick, Deon Johnson, Blain Crain, Ronald Smith, Jonathan Cook, Darren Tate, Gunner Hendrix, Chason Milner, Tyler Johnston, Eugene Leach, Ryan Brooks, Trey Shabel, Kristian Cotton, Kylan Cotton, Cameron Harrison, Caleb Valrie, Jacob Goodwin, Tony Mitchell, Javon Brown, Dominique Woodward, Miguel Restrepo, Preston Hall, Alexander Theodore, John Campbell, Deonte Cyprian, Caleb Hughes, Stephan Holcombe, Keland Dotch, Marcus Walton, Stephen Wilson, Hayden Falkenberry, Brady Vincent, Delong Harrison, John Williamson, Thomas Johnston, Keion White, David Keener, Drew Kitchens, Jeremy Murray, Braxton Armstead, Justin Murray, Jacob Clark, Matthew Thompson, Todd Shetler, Robert Riley, Iverson Diego Delapena, Samuel Howard, Davoris Thomas, Maurice Cole, Chase Holliman, John Stockton, Cody Shoultz, Grey Curtis, Taylor Murray, Logan Mangum, Victor Dunning, Chase Rowe, Christopher Morehouse, Tyler Brentzel, Brad Andre, Grant Horst, Michael Eubanks, Owen Betts, Trevor Pfeil, Kaleb Hall, Ian Bjuro, Brandon Prince, Hamilton Biggs, Austin Grobe, Wilton Cox, Deandre Townsend, Robert Rella, Mitchell Meador, William Petersen, Jimmy Ogletree, Lawton McGahey, Hunter Wood, Roger Lawhon, Tyler Howell, William Nelson, Darius Johnson, Bryan Williams and Jonathan Hoover.

RECOGNIZING TIMOTHY HOLABIRD

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. McCLINTOCK. Mr. Speaker, I rise today in recognition of the many contributions Timothy Holabird has made to Modoc, Lassen, Plumas, and Sierra counties located in northeastern California.

Tim has combined experience and knowledge of the lands and people that define the region with a steadfast determination to help these rural communities. Federal agencies administer more than 80 percent of the land, and Tim has aggressively championed interests of people versus the seeming indifference and neglect of the bureaucracies. Bringing all parties together, establishing common goals and objectives, and actually solving problems has been his hallmark.

As four fires ravaged the area this summer, Tim pursued the interests and concerns of local citizens to the point of his own physical exhaustion. He personally bridged the communication gap with agencies attacking the fires and the communities immediately threatened. In the devastating aftermath of the fires, Tim worked with all parties to restore and salvage. In particular, he has been relentless resolving the immediate, critical issue of thousands of acres of lost grazing land.

Tim understands the appropriate role of government in land and resource management and has personally sacrificed to uphold the public's interests. Mr. Speaker, while it seems the aim of our government agencies is to restrict access and the productive use of our federal lands, Timothy Holabird remains a steadfast advocate for access and use by the very best stewards of this land—the local citizens.

REMEMBERING THE LIVES LOST IN THE 1862 U.S.-DAKOTA CONFLICT

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. ELLISON. Mr. Speaker, I rise today in remembrance of those who lost their lives in the U.S.-Dakota War of 1862. This year marks the 150th anniversary of the conflict, reminding us of this tragic era in Minnesota's history, and how it has shaped the lives of the Dakota people to this day.

It is easy to consider history as a list of dates—a discovery, a war, a proclamation, an election. We forget the complex human interactions that shape the past and continue to affect our communities today.

What has come to be known as the U.S.-Dakota War of 1862 has its roots in the rapid expansion of Minnesota's population by white settlers, and the subsequent treatment of indigenous peoples. From 1850–1860, the numbers of white settlers in Minnesota grew from 5,000 to more than 170,000; in that same decade, Native Americans went from the majority of people in Minnesota to being outnumbered by whites 5–1. Treaties made between the Dakota people and the U.S. government pushed native communities off their ancestral lands with promises of money, food, and commodities. Forced assimilation policies further marginalized tribes by requiring the adoption of European style dress, hair, and culture. Tensions escalated when the government failed to pay promised annuities, a drought decreased the supply of food leaving many Dakota families hungry, and the U.S. government took back land set aside for Indian reservations, reducing the remaining reservation size drastically.

The first violent acts of the conflict occurred on August 17, 1862, when four young Dakota men killed five people at a farm near Acton, Minnesota. These murders divided the Dakota community; some argued it was time to go to war with the settlers who now claimed ancestral Dakota land, but much of the community wanted to maintain peace. Nevertheless, Dakota leader Little Crow led his Nation to War, understanding that the greater power of the U.S. government would most likely prevail.

The weeks of violence that followed in Southern Minnesota led to over 1,000 deaths. The U.S.-Dakota War is one of the bloodiest conflicts between a Native tribe and the U.S. government, surpassing both the conflicts of Little Big Horn and Wounded Knee. The War's end was marked by the largest mass execution in U.S. history, when 38 Dakota men were convicted in kangaroo courts and hung on December 26, 1862. Originally 303 Dakota men were tried and sentenced to death, but President Lincoln personally reviewed the cases and stayed the execution of those whose conviction was based on questionable testimony. Two additional Dakota warriors were forcibly returned from Canada and hanged at Fort Snelling in 1865.

Although the day of the execution stands out in history, the suffering of the Dakota people continued throughout the winter and into the coming years. Those Dakota who had surrendered to U.S. forces, many of whom opposed the war, were forced to march to an internment camp at Fort Snelling and suffer through a brutally cold winter filled with disease, food shortages, and assaults by soldiers and civilians alike. Hundreds perished over the winter, and those who survived were forcibly relocated to Western reservations where similar conditions led to more deaths. Some 6,000 displaced members of the Dakota community relocated to Canada and Western states and territories, and by the end of the decade a majority of the Dakota tribe had left its ancestral lands.

The U.S.-Dakota War reminds us of how the events of the past continue to reverberate to this day. Dakota tribe members are still dispersed over several states and into Canada as a direct result of this conflict. Most unfortunate, the Dakota Expulsion Act of 1863, a federal law making it illegal for Dakota people to

live in Minnesota, has yet to be repealed. In August of this year, members of the Dakota community took part in a walk through South Dakota to the Minnesota border, symbolizing the unjust forcible removal of all Dakota people from Minnesota in 1863.

The healing from the War is ongoing; honoring those we lost and remembering our complicated past should not be limited to anniversaries of the conflict. We should use this year of reflection to inform a more inclusive view of history, an appreciation of how far we've come, and recognition of all we must do to continue to support our Native communities today.

CONGRATULATING MR. GREGG POLLACK, RECIPIENT OF THE GOVERNOR'S INNOVATORS UNDER 40 AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Gregg Pollack, winner of the Governor's Innovators Under 40 Award. Mr. Pollack is the founder and CEO of Envy Labs, a technology consulting company based in Orlando, Florida.

Envy Labs, which Mr. Pollack founded in 2009, specializes in website and mobile application design and development, and works on a broad variety of projects from web development to branding to user interface design. Through an open and creative work environment, Envy Labs focuses on producing excellent products and services while investing in their employees' personal and professional lives.

The Governor's Innovators Under 40 Award is one of Governor Rick Scott's 2012 Innovators in Business Awards, which are designed to recognize outstanding contributions toward growing and diversifying Florida's economy. The Innovators Under 40 Award is presented to Florida residents under the age of 40 who own or lead a Florida company with annual revenue of $1 million or more and who have created at least 10 jobs since January 2011.

Through Mr. Pollack's direction, Envy Labs has grown and expanded to include a school with courses in coding and web design called Code School. Envy Labs is also active in the Orlando tech community, hosting tech events and camps downtown. Mr. Pollack is to be congratulated for the hard work and innovation he has demonstrated, and for the contributions to Florida's economy that this award honors. He is well deserving of this recognition. May his work inspire others to follow in his footsteps.

HONORING THE HOUSTON TEXANS ON WINNING THEIR 2ND STRAIGHT AFC SOUTH DIVISION TITLE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend the Houston Texans on clinching their 2nd straight AFC South Division Title. The Texans are a relatively new franchise, established in 2002. They currently lead the AFC race for home field advantage throughout the playoffs. As an avid Texans fan, I am proud to honor the Houston Texans on this great achievement.

I would like to submit the following article: "Texans Cement Supremacy in Division and Look Beyond" by Tom Spousta, printed in The New York Times, December 17, 2012:

HOUSTON—Arian Foster and Dwight Freeney embraced at midfield and, after a few heartfelt words, began pulling their shoulder pads over their heads. They exchanged jerseys, Foster giving up his Houston Texans No. 23 and Freeney handing over his Indianapolis Colts No. 93—one that will hang in Foster's collection to commemorate Houston's second consecutive AFC South division title.

The Colts officially acquiesced Sunday to the supremacy of the Texans, who own the AFC's best record at 12–2 but whose dominance somehow still remains questioned as the playoffs approach.

They beat Indianapolis, 29–17, in spectacularly efficient fashion before a raucous crowd at Reliant Stadium. A modest locker room celebration followed, but the Texans know a greater validation of their season will come with a top seed and home-field advantage for the postseason.

"You always have to bask in the moment of winning a division championship, but I think the expectations we put on ourselves and everybody puts on us are much bigger than that," said Foster, who had 27 carries for 165 yards, 131 of those coming in the second half. "We're proud of what we've done here, but we've got more to go."

Indianapolis (9–5) lost a chance to earn a wild-card berth with two games to play, including the season finale at home against the Texans, who gave the Colts plenty to fix before then.

Matt Schaub was 23 of 31 passing for 261 yards and guided an offense that did not commit a turnover. Eleven of those completions went for 151 yards to Andre Johnson, who caught a touchdown pass and surpassed 11,000 yards for his career.

Shayne Graham kicked five field goals, and Bryan Braman blocked a punt for a touchdown. Houston's defense atoned for its poor performance in last week's 42–14 loss at New England, allowing only one third-down conversion and sacking Andrew Luck five times, three of those coming from J. J. Watt.

Luck finished 13 of 27 for 186 yards behind an offensive line missing two starters. He threw a 61-yard touchdown pass to T. Y. Hilton and an 8-yarder to Dwayne Allen. But a key Colts drive in the second quarter resulted in their costliest error, when Mewelde Moore fumbled at the Texans' goal line after being hit by Watt and the ball was recovered by Tim Dobbins.

"We got back to what we are as a football team," Texans Coach Gary Kubiak said. "Protecting the ball, running the ball, playing solid defense. That's how we win."

Watt, who paid tribute to the shooting victims in Newtown, Conn., by writing the town's name on one of his gloves, finished with 10 tackles and now has an AFC–leading 19.5 sacks.

The Colts owned an odds-defying 8–1 record this season in games decided on the final possession, so there was no cause for panic after the Texans grabbed a 20–10 halftime lead. But Indianapolis generated little momentum in the second half and finished with 272 total yards, compared with 417 yards for the Texans.

"It was a tough loss for us," Bruce Arians, the Colts' interim coach, said. "We came here with one idea and that was to win the division and we're not going to win the division. They did it, and my hat is off to the Texans, and we'll see them in a couple weeks."

RECOGNITION OF CYPRUS' PRESIDENCY OF THE EUROPEAN UNION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. SIRES. Mr. Speaker, I rise today to recognize the Republic of Cyprus as their first rotating European Union (EU) Presidency comes to a close. The past six months have been lauded as a very productive presidency and I would like to honor the importance of this accomplishment for a small—yet still occupied and divided—country like Cyprus. Some of the most notable accomplishments show a continued commitment to human rights and democratic governments.

During Cyprus's presidency they oversaw the implementation of Iran sanctions—the toughest EU measure to date. The EU was also awarded the 2012 Nobel Peace Prize in recognition of its longtime commitment to promoting peace, as well as reconciliation, democracy, human rights, and the rule of law. Furthermore, the EU focused on steps needed to eradicate human trafficking during the sixth EU Anti-Trafficking Day conference entitled, "Working Together Towards the Eradication of Trafficking in Human Beings: The Way Forward."

Mr. Speaker, as a friend and ally of the United States, I would like to congratulate Cyprus on a productive EU presidency. This is an important moment in the history of Cyprus and as a stable democracy dedicated to human rights and religious freedom; I wish to honor this significant event.

RECOGNIZING FUN SPOT ACTION PARK OF ORLANDO, FLORIDA, RECIPIENT OF THE 2012 BRASS RING AWARD FOR THE BEST FAMILY ENTERTAINMENT CENTER IN THE COUNTRY FROM IAAPA

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to take this opportunity to congratulate Mr. John Arie and his family on Fun Spot Action Park of Orlando, Florida having received the 2012 Brass Ring Award for the Best Family Entertainment Center in the country from the International Association of Amusement Parks and Attractions. This is a prestigious award and deserves special recognition for the hard work and dedication that went into this outstanding accomplishment.

The Arie family is well deserving of this recognition for their unfailing dedication and leadership in the family entertainment center industry. In receiving this award, they have demonstrated many character qualities, including enthusiasm, diligence and remarkable

service. The forty-plus years of service the Arie family has provided in owning, operating, and developing Fun Spot Attractions is a true testament to the significant importance of small businesses.

This is not the first time that Fun Spot Action Park of Orlando has been recognized for their commitment to excellence in the tourism industry across Central Florida. Fun Spot has been chosen and honored two prior times by the IAAPA for their standards of excellence in promoting and advertising the family entertainment center industry.

The efforts of Mr. Arie and his family to serve the Central Florida community are to be commended. It is not often that such a strong commitment to service is found within one family. I wish them great success as they have the opportunity to undergo a 10-acre expansion that will triple the size of the Orlando Fun Spot Action Park.

On behalf of the citizens of Central Florida, I am pleased to recognize and congratulate Mr. Arie and his family for their hard work, dedication, and leadership on this well-deserved award. May their investment to community and small business inspire others to follow in their footsteps.

DON'T LET FOREIGN AID FALL OFF THE FISCAL CLIFF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. BERMAN. Mr. Speaker, as negotiations to avoid the "fiscal cliff" enter the final stages, it is important that we keep in mind the potentially devastating consequences of across-the-board cuts. This is true not only for domestic programs, but also for foreign assistance, which represents less than one percent of the federal budget and is one of the most cost-effective ways of protecting our interests across the globe. Today, more than ever, our health, security, and prosperity depend on a world in which basic human needs are met, fundamental rights and freedoms are respected, conflicts are resolved peacefully, and the world's resources are used wisely.

In this regard, I commend to my colleagues an excellent op-ed by Sharon Waxman, vice-president of the International Rescue Committee. Her article in The Hill, "Don't Let Foreign Aid Fall off the Fiscal Cliff," outlines the importance of foreign aid in saving lives and easing suffering for millions around the world.

RECOGNIZING THE CHAMPIONSHIP SEASON OF THE WYOMISSING SPARTANS HIGH SCHOOL FOOTBALL TEAM

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the players, coaches and staff of the Wyomissing Spartans High School football team of Berks County, Pennsylvania on their undefeated season and on capturing the PIAA District III AA State Championship.

The Wyomissing Spartans set a Berks County record for points scored and wins in a season, finishing with a perfect 16–0 record. The Spartans are the first team in Berks County history to win a state title in football at any level.

The Spartans' championship roster includes: Gerald Burns, Thomas Paolini, Corey Unger, Spenser Lloyd, Sean Smith, Joseph Cacchione, Scott Kuczala, Brian Walters, Rahul Kalani, Adam Chaffe, Caleb Naylor, Juche Jackson, Bern Donahue, Chase Hartman, Alex Anzalone, Brandon Faust, Eric Waxler, Brandon Gonzalez, Mason Smith, Scott McAvoy, Justin Causa, Jonah Bowman, Sam Debell-Mitton, Peter Geyer, Josh Naylor, Jack Baker, Sam Weaver, Peter Bonino, Josh Pappas, Shane Hasenauer, Connor Reedy, Chris Eaton, Jeremy Bell, Will Kroppe, Anthony Colon, Jeriko Reyes, Cody Cox, Ben Wertz, Sean Reusing, Logan Jones, Dan Sweitzer, Wyatt Metzger, Finnegan Daly, Brian Bamberger, Jon Olmeda, Sean Clark, Nate Hain, Jack Wertz, Liam Reedy, and Daniel Faust.

The champion Spartans were coached by Head Coach Bob Wolfrum and Assistant Coaches Tom Baldwin, Andrew Siggins, Al Silveri, Todd Zechman, Steve O'Neil, Richard Hoffmaster, Nick Wojciechowski, Frank Ferrandino, Bill Hartman, Steve Brunner, Chris Blickley, Corbett Babb, Ty Smith, and Jim Delp. In addition, the School District's Athletic Director is Corbin Stoltzfus.

Mr. Speaker, in light of their outstanding accomplishments, undefeated season, and state championship victory, I ask that my colleagues join me today in recognizing the players, coaches, and staff of the Wyomissing Spartans High School Football Team of Berks County, Pennsylvania for their incredible and unforgettable season.

HONORING BARRY RUTENBERG

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. STEARNS. Mr. Speaker, I would like to take a moment to recognize one of my constituents, Barry Rutenberg, from Gainesville, Fla. Barry is the 2012 chairman of the National Association of Home Builders (NAHB) and has been deeply involved in helping housing—and his fellow builders—get back on course.

After suffering the worst housing downturn since the Great Depression, Barry's steady leadership at NAHB during the past year has paid great dividends as he has presided over a solid recovery for the industry. Housing starts and single-family sales are projected to jump 20 percent for the year, and the number of improving housing markets has soared from just 12 in September of 2011 to more than 200 in December of 2012. Meanwhile, home prices have stabilized across much of the Nation, helping to put more workers on the job and making housing a net contributor to economic growth.

As chairman of NAHB, Barry has provided a laser-like focus to help get housing back on track by working with lawmakers on both sides of the aisle to get pro-housing bills introduced and passed. NAHB played a pivotal role in reauthorizing and preserving the National Flood Insurance Program for an additional five years. This put to an end the many short-term lapses the program has endured in recent years—along with the delays and canceled home sales those lapses have caused home buyers and home builders.

Under Barry's direction, NAHB instituted a nationwide Protect Homeownership campaign that featured several rallies in key political swing states during this past election season. This effort to elevate housing on the national agenda sent a powerful message to the electorate that Americans value homeownership and Congress must support pro-housing policies that will create jobs and help local communities to flourish.

In normal times housing accounts for more than 17 percent of the Nation's total economic output. Building 100 single-family homes creates more than 300 full-time jobs and generates millions of dollars of tax revenues which increase the property tax base that supports local schools, police and firefighters across the land.

To help housing return to its position as an engine of economic growth, Barry instituted an aggressive agenda at NAHB. He made it a priority to help protect housing tax incentives that are vital to renters and home buyers; prevent expensive, pointless regulations from impeding home building and dampening the recovery; and to push for a balanced solution to overhaul the Nation's housing finance system that retains a federal backstop in the event of a catastrophic situation while providing a stable, affordable supply of credit for home buyers and limiting taxpayer exposure.

He also maintained a regular presence on Capitol Hill, meeting with lawmakers and testifying on behalf of the Nation's home builders on how small businesses and consumers would benefit from smarter and more sensible regulation.

I commend the efforts of Barry Rutenberg and NAHB to ensure that housing remains accessible and affordable to America's families and an important national priority.

HARRIS COUNTY VETERAN'S COURT PROGRAM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. POE of Texas. Mr. Speaker, since the United States of America entered the War on Terror, many things have changed with what our troops encounter overseas. Our soldiers are not only fighting a war where guerrilla tactics, suicide bombings, and targeted killings are used, but they are fighting over values and morals versus territory. This war has not been in one specific country, but takes place wherever our enemies are attacking or hiding.

A lot has changed in this modern day war, but thankfully a lot has changed with how we help our troops when they return home. 2.4 million Americans have fought in Iraq or Afghanistan and the Department of Veterans Affairs have diagnosed roughly 200,000 of those Americans with post-traumatic stress disorder with many more that have gone undiagnosed. Many of these men have come home and are still fighting internal demons from these perilous places that they have returned from.

Thankfully, Harris County Texas District Judge, Marc Carter, an Army veteran himself noticed that many of the defendants coming through the Harris County courts were veterans who had recently come home from fighting oversees. Judge Carter is judge of the 228th Criminal District Court of Texas. He replaced me after I served as judge in that court for 22 years.

Judge Carter and other members of the Harris County community recognized this problem in 2009 and took the initiative to create the first veteran's court in the state of Texas. The Harris County Veteran's Court Program specifically works with first time misdemeanors and felonies. If veterans choose to go through the program instead of going to prison, it requires two years of probation and treatment.

The reason why the Veteran's Court Program is so successful is because it addresses the root of the problem, which is PTSD and drug abuse. Many of these veterans are still mentally oversees fighting for ours and their lives and these programs give them the help they need to readjust back into society. Since 2008 veteran's treatment courts have been created in 27 States.

These men have been to the darkest places on earth to protect the American people and although there is a lot we owe our veterans, most importantly, we owe them a second chance.

And that's just the way it is.

RECOGNIZING LIEUTENANT COMMANDER TOM G. WEILER

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WITTMAN. Mr Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Commander Tom G. Weiler, United States Navy.

For the past year, Lieutenant Commander Weiler, a proud submariner and graduate of the University of Notre Dame, served on my staff as a Congressional Defense Fellow. During his assignment, he served as a senior member of my staff responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Commander Weiler executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Chairman and as the Co-Chair of the Congressional Shipbuilding Caucus.

Lieutenant Commander Weiler directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Commander Weiler took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Commander Weiler's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Commander Weiler for the service and sacrifice he has made, and continues to make, for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the First District of Virginia. After spending eight of the last eleven years stationed in Hawaii, which included multiple patrols in the Western Pacific and a 12-month deployment to Germany, Lieutenant Commander Weiler is headed to the England as the only U.S. Navy submarine officer to participate in the Royal Navy Submarine Command Course in Portsmouth, England in 2013. Following this distinguished opportunity to train with the British Royal Navy, Lieutenant Commander Weiler will embark on his journey to become an Executive Officer of a United States Navy submarine and attend the Submarine Command Course. After this intense course of instruction Lieutenant Commander Weiler will return to sea and to leading Sailors as he goes back into harm's way to execute his trade as submariner in the "silent service" of this great Nation. I have no doubt that Lieutenant Commander Weiler will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Commander Tom Weiler are members of our all-volunteer force and they stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Commander Weiler, thank you. Best of luck to you and God bless you, your family, and all the Sailors you are charged with leading. Fair winds and following seas . . . and GO IRISH!

TRIBUTE TO TERESA VANZANT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Teresa Vanzant, in honor of her retirement after dedicating 31 years of public service to Kentucky's Rockcastle County Circuit Court Clerk's Office.

Teresa's passion and commitment to public service was inspired by her father and my dear friend, the late Denver Miller, who also served as Circuit Court Clerk in Rockcastle County for three terms. Denver instilled in his family, the value of being an engaged citizen and giving back to the community. Denver's service as Clerk and Administrative Assistant to the Administrative Office of the Court also influenced his son, James Miller who serves as Rockcastle County's Jailer. The tireless dedication of this entire family will be a legacy long admired in our region.

Teresa Vanzant is also a role model for women in public service in our rural communities. In addition to her role as Circuit Court Clerk, she has volunteered for the Kentucky Women's Missionary Union, the Mt. Vernon Elementary Family Resource Center Council, President of Kiwanis Rockcastle, the Education Chair of Kentucky's Circuit Court Clerk's Association, Secretary of the Trust for Life, and a board member of the anti-drug Rockcastle County UNITE Coalition. Teresa works diligently, to not only serve her county, but to be a voice for opportunity and vision for generations to follow.

Mr. Speaker, I ask my colleagues to join me in honoring a leader and dear friend of southern and eastern Kentucky, Teresa Vanzant, on her retirement. My wife, Cynthia and I wish Teresa and her family all the best in the years to come.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,359,758,742,907.76. We've added $5,132,881,693,994.68 to our debt in nearly 4 years. This is a $5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO ADOLFO JESUS VALADEZ

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the 80th birthday of Adolfo Jesus Valadez.

Adolfo Jesus Valadez, the son of Mexican immigrants who came to the United States fleeing the Mexican Revolution, was born and raised in San Antonio, Texas. Adolfo attended local public elementary schools and in 1949, graduated from Central Catholic High School. He enrolled in the University of Texas at Austin to study business administration and pharmacy studies. However, his studies were interrupted when he was called to serve his country as part of the post WWII occupation forces. Adolfo served as an Army Corp medic in Germany, where he provided health care services to American troops and learned to speak German fluently.

When Adolfo returned to the U.S., he completed his studies at the University of Texas at Austin and received a Bachelor's degree in Pharmacy, one of the few Mexican-Americans at that time to receive an undergraduate degree. Adolfo moved back to San Antonio and worked as a registered pharmacist serving the city's poor in various settings, including the Stella Mares Clinic on the west side of the city. Eventually, he opened his own small

business—Lydia's Prescription Pharmacy—an independent pharmacy on San Antonio's south side. Adolfo provided high quality pharmacy services to the area residents while also mentoring many Mexican-American youth to pursue higher education in the health professions.

For over 30 years, Lydia's Pharmacy served the residents of the south side of San Antonio until Adolfo's retirement During those years, Adolfo together with his wife Lydia, raised their family and served their community. In 1986, the family suffered the tragic loss of the youngest child, Rebecca Christina, ''Becky''. Despite this incredible loss, Adolfo and his family, with the love and support of family and friends, worked through their grief and continued to thrive. Adolfo and Lydia will celebrate their 49th wedding anniversary on January 26, 2013 and their remaining four children have led successful careers in law, health care, and public health. In addition to running a business and raising a family, Adolfo earned a second degree in business administration; found time to serve as a board member of the St. Peter's/St. Joseph's Children's Home; became a member of the Our Lady of Grace Knights of Columbus; and traveled with friends and family within the U.S., Europe, and Mexico. He is a longtime Spurs fan and enjoyed their first of four championships like most San Antonians did, by riding through downtown in an impromptu celebration! He is also a devoted grandfather to his seven grandchildren.

Again, please join me in recognizing a true community leader in San Antonio on his 80th birthday, Adolfo Jesus Valadez.

HONORING THE SERVICE OF CALIFORNIA ASSEMBLYMAN ANTHONY J. PORTANTINO

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to honor Anthony Portantino for his six years of service in the California State Assembly. A graduate of Albright College in Reading, Pennsylvania, Assemblyman Portantino started out with a successful career in the entertainment industry. He produced and co-wrote a multitude of film and TV productions, including independent historical films highlighting racial issues in American history.

Mr. Portantino was then elected to the La Cañada Flintridge City Council in 1999 with over 70 percent of the vote. As a member of the City Council/School District Joint Use Committee, he played a pivotal role in procuring funding and services for local public schools. Mr. Portantino continued to serve as a member of the Council for nearly eight years and served two terms as its Mayor in 2001 and in 2005. He resigned in 2006 upon his election to the California State Assembly.

During his years in the California legislature, Assemblyman Portantino served the 44th District with great distinction, championing tougher regulations on firearms and successfully passing 38 bills into law.

He presided as Chair of the Assembly's Committee on Higher Education and was a member of the Transportation, Government Organization and Public Safety Standing Committees. He also served as a member of the Assembly Select Committees on the Preservation of California's Entertainment Industry, Foster Care, and Community Colleges. Assemblyman Portantino has been recognized by his community for his extraordinary efforts on behalf of the Gold Line and for his exemplary service as a state legislator.

As a strong advocate for transparency and accountability in state finances, and a champion of health care issues, Assemblyman Portantino will be missed in the Assembly and by his constituents, but I know he will continue to represent the needs of his community in any endeavor he chooses to pursue hereafter. I join my colleagues in thanking him for his service and wish the Assemblyman, his wife Ellen, and their children Sofia and Isabella, the best in this new chapter of their lives.

REMEMBERING JOE MCNULTY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WOLF. Mr. Speaker, I come to the floor today to remember a former member of my staff who lost his battle with cancer two weeks ago today.

Joe McNulty was my deputy press secretary and director of online communications. He worked for me from the summer of 2009 until this July, when he left to go to law school at the University of South Carolina. Joe was an important member of my staff and will be missed dearly.

Joe was an amazing individual and certainly left his mark on this world, as evidenced by the number of people who attended his memorial service at Immanuel Bible Church in Springfield, Virginia on December 10. Aside from family, friends and co-workers, classmates from high school and college were in attendance as were friends and neighbors of his parents, Paul and Brenda, and three sisters, Katy, Anni and Corrie.

People came from as far away as Spain for the service. There were friends from the church he attended and members of his college club soccer team. His principal from Robinson high school came, as did the school's choral director. The current U.S. Attorney for the Eastern District of Virginia was at the service (Joe's father was the U.S. Attorney for the Eastern District of Virginia from 2001–2006) as were several other assistant U.S. attorneys from the office and a number of U.S. Marshals.

Joe's passing also made Politico's Playbook, something everyone on Capitol Hill reads every day and Joe devoured every morning.

The service for Joe was deeply moving. The pastor of his church in Fairfax spoke at the service, as did the pastor of the church he started attending in South Carolina, where he was attending law school. Both talked about Joe's strong faith in the Lord.

Joe's best friend, Steve Brewer, talked about how they met as freshmen in high school and said Joe was the best friend anyone could ask for. He told a story about how on a recent birthday the Washington area was paralyzed by a massive snowstorm, yet Joe managed to dig out his car and drive across town so his best friend wouldn't be alone on his birthday. That spoke volumes of Joe's loyalty and the value he placed on friendship.

Joe's older sister, Katy, spoke on behalf of the ''McNulty Women.'' She reminisced about how she and ''Joey'' would play for hours on end as toddlers and that Joe was always a good sport about playing the things that his older sister always wanted. She also talked about how ''Joey'' cared about his sisters and always looked out for them.

His father, whom I have known since his days when he served on the House Judiciary Committee, described how Joe always put others first, even in his darkest hours. He emphasized how much Joe would want to thank everyone for all they have done for him through the years and for coming to his memorial service. He told a story about how as Joe was once being wheeled into an operating room he asked the nurses to stop so he could thank them and the doctors for all they were doing for him. One of the nurses said no one had ever done that before. That was Joe. Always putting others first.

Paul also stressed Joe's unwavering in his courage, especially as he received one piece of bad news after another yet always helped his family and friends get through all it. Paul said Joe referred to his courageous reaction to news about spreading cancer as ''a leadership moment.''

His family has carried on Joe's spirit, sending out this message a few days after the service: ''On behalf of all the McNulty's, I [his mother, Brenda] just wanted to say THANK YOU SO VERY MUCH for all of your selflessness over the weekend as you prepared, and on Monday for Joe's service. It was above and beyond anything we could ever hope for or imagine and we are so very grateful. . . . Every word spoken and every song sung ministered to us and to everyone there. So many people have been telling us that they appreciated the scriptures, were moved by the whole tone of the service, and gained a new appreciation for Joe and all he was about. We truly appreciate all you did to participate in the service and wish we could give you all a huge collective hug but mere words will have to do.''

I was honored to speak at Joe's service on December 10. Below are my remarks:

I am speaking today on behalf of my entire staff, who worked with Joe and loved Joe. We extend our condolences to Brenda and Paul and the rest of Joe's family.

Joe started in the Wolf office as an intern but left as a vital part of our staff. He always wanted to be a prosecutor like his father. That drove him.

I know my staff would have liked him to have abandoned those plans for our own selfish reasons because of the talents he brought to the office. He always pushed us to find new and more creative ways to reach constituents. He was a trend setter on Capitol Hill for communicating online. Other offices would regularly reach out to him asking for advice. He also was active in the Republican Communications Association, serving as its treasurer and reinvigorating the organization with great speakers and social events.

Joe brought an incredible work ethic to the office. No job was too menial; no task insurmountable. He also had an unbelievable reservoir of energy. There were nights that he would play sports until the wee hours of the morning but be at his desk first thing in the morning ready to conquer the world.

He never really stopped working. My staff got an e-mail from him just the other day making sure we had seen an article on an

issue the office has put a lot of time and effort into.

Everyone who knew Joe well knew that he could be stubborn at times—stubborn in a way you don't often find in his generation; the kind of stubbornness that stems from deep integrity and a willingness to fight for what he believed was right.

It was this same quality that drove him to keep working even during the toughest hours of his fight against cancer. Even on the most challenging days, Joe would come in to the office ready to work, and work hard. We practically had to order him home to rest up. Joe had an uncommon drive and commitment to public service.

Joe had an infectious smile and a great personality. Everyone loved being with him and he was always setting up office outings for the staff. In small Hill offices, where everyone attended different schools, there are friendly rivalries, particularly among Virginia schools.

Joe was part of the JMU mafia in the office, which at one point outnumbered all the staff from other Virginia schools and they never let anyone forget that, especially that JMU once beat Virginia Tech in football. Joe was proud to be a JMU Duke and volunteered with the JMU Alumni Association and the JMU Politicos, the school's Capitol Hill networking group.

Joe loved to eat, and for a little guy he could eat. He holds the office record for eating six giant glazed donuts in one day. One of his going away presents was donuts.

Joe also valued public service, which led him to take the next step in his career: law school. Although we missed him after he left our office this summer, we were so proud of him for getting into University of South Carolina. He pursued his dream of law school, daring to envision a future even when so much was uncertain about the present.

I want to read from parts of an email Joe sent to the staff on his last day in the office this summer:

''I just wanted to say thank you to all of you one more time. It has truly been an honor and privilege to work with all of you. I have learned so much working with all of you over the past three years and each of you have encouraged me and taught me lessons that I will never forget. I think it is important for all of us to remember how blessed we are to have the opportunity to serve our country. I know it's hard to remember that on a daily basis but that is truly what you are doing when you work for a member of Congress. You are serving the people of your community and you ARE making a huge difference.

''. . . My time on Capitol Hill has also taught me that many people are really cynical and believe that all politicians are corrupt. ''It's easy to reach a point where you think that it's too hard to enact real change or get the big things done. But this is a mentality I think we should try to suppress. If you believe in something and you want to enact change, then get in there and fight for what you believe in. That's what public service is all about. If you think you have good ideas that can help people, don't be afraid to fight for them. Don't let the weekly scandal or negative news story discourage you from trying to help people or make a difference in your country.''

Joe wanted to make a difference. And he did. But it was a life cut painfully short. Joe was a man of faith and scripture tells us

In Ecclesiates 7:2

''For death is the destiny of every man the living should take this to heart.''

We here today should take it to heart.

In Psalm 103:15, King David said:

''As for man, his days are like grass. He flourishes like a flower of the field, the wind blows over and it is gone and its place remembers no more.''

It's apparent even as the cancer attacked his body, that Joe's soul was strengthened by his faith in Jesus, a faith which only grew in the face of circumstance that would dictate otherwise. In an e-mail to a staff member before leaving last summer he wrote:

''There is no way I could have gotten through my bout with cancer had I not had a foundation in Christ. Reading my Bible was the one thing that gave me hope and encouragement when I was in pain and sick.''

We grieve Joe's passing but we celebrate his life and know he has entered eternal life with his savior and Lord. Our goal should be to live a life of faith so that we can one day join Joe in the House of our Heavenly Father.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. COHEN. Mr. Speaker, on December 17, 2012, I was attending to a sick friend and comforting his family and was unable to vote on rollcall vote 628.

If present, I would have voted "yea" on S. 3193.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. HOLT. Mr. Speaker, I did not return to Washington in time on Monday December 17, 2012 and missed two votes.

Had I been present I would have voted "yes" on H.R. 4606—To authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes (rollcall 627), "yes" on 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 (rollcall 628).

RECOGNIZING COLONEL ROBERT M. WALTEMEYER

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GIBSON. Mr. Speaker, I rise today to recognize Colonel Robert M. Waltemeyer of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), who will retire from the United States Army on January 11, 2013 after thirty years of distinguished service.

Colonel Waltemeyer was commissioned as an Infantry Officer in 1983. In 1987 he entered Special Forces (SF) and commanded his first SF detachment in Bad Toelz, Germany, where he implemented and supported operations throughout Southwest Asia, Western and Eastern Europe, and Africa. From 1997–2003 he commanded the 2nd Battalion 10th Special Forces Group where he conducted operations throughout the Balkans. Following the events of Septemeber 11, 2001, Colonel Waltemeyer led the United States European Command's first war on terrorism mission through the Georgian Train and Equip Mission. In 2003 Colonel Waltemeyer conducted unconventional warfare operations in Northern Iraq, employing Kurdish, Christian and Arab militias to create a northern front in advance of Operation Iraqi Freedom. From 2003–2005, he served on the Joint Staff before taking command of United States Army Garrison Japan from 2006–2009. Upon leaving Japan Colonel Waltemeyer served as the Director of International Security Assistance Forces (ISAF) Regional Command South's Joint Border Coordination Center in Spin Boldak, Afghanistan, where he led a combined staff comprised of United States, Afghan, and Pakistani military and security personnel.

Throughout his thirty years of service to the nation, Colonel Waltemeyer has earned numerous awards and decorations to include: Combat Infantryman's Badge, Expert Infantryman's Badge, Special Forces and Ranger Tabs, Master Parachutists Wings, the Meritorious Service Medal and the Legion of Merit.

I am proud to share in the celebration of Colonel Waltemeyers' military career. I would also like to congratulate his wife, Ramona, and his two children, Carrie and Sam, whose love and support has aided and strengthened Colonel Waltemeyer as he has served our great nation. I wish him all the best in his retirement.

HONORING THE LIFE AND SERVICE OF DOYLE EDWARD CONNER, SR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the life and service of Doyle Edward Conner, Sr. Throughout his long and distinguished career in politics, Doyle Connor served the people of Florida for 40 years in both the Florida House of Representatives and as the Commissioner of Agriculture. Commissioner Conner served as a mentor and an inspiration to countless individuals throughout the state. All of Florida mourns the loss of a great man and unparalleled public servant.

Commissioner Conner was a fourth-generation farmer who grew up learning the value of hard work on his family's farm in Starke, Florida where he helped raise cattle, grow strawberries and cut timber. Commissioner Conner was a born leader, and he was active in his community from a very young age. He participated in his local 4–H club and eventually became president of the Alachua County branch of 4–H. In 1947, he graduated from high school and enrolled at the University of Florida where he became involved in the Future Farmers of America (FFA), serving as the president of FFA at both the state and national levels.

In 1950, while still a 21-year-old student at the University of Florida, Commissioner Conner was elected to the Florida House of Representatives. Despite his youth, he quickly established himself as a serious and committed statesman who was respected by his

colleagues on both sides of the aisle. Due to his assiduous work ethic and natural leadership, Commissioner Conner quickly rose through the ranks of the Florida House of Representatives. In 1957, at the age of only 28, Commissioner Conner was elected as the Speaker of the Florida House of Representatives, becoming the youngest Speaker in the state's history—a record that still stands today. While serving as Speaker, he helped craft legislation to promote and advance Florida's agricultural industry, including the landmark Green Belt Law. He also worked to establish first-class agricultural labs to help eradicate numerous diseases and predators and pave the way for the further development of the Florida agricultural industry.

In 1960, after serving 10 years in the Florida House of Representatives, Commissioner Conner was elected as the Florida Commissioner of Agriculture, a position that he held until his retirement in 1991. Commissioner Conner brought his vast experience as both a farmer and a legislator to his new role and helped expand Florida's output from $900 million in 1960 to more than $6 billion at the time of his departure in 1991. Commissioner Conner was a tireless worker, who traveled around the world to promote Florida agriculture and open new markets for Florida's farmers. He also expanded on his earlier legislative efforts to combat diseases, and under his leadership, Florida established a method for detecting the Mediterranean fruit fly which became the worldwide standard.

His excellence and leadership in Florida was recognized nationally, and he was even asked by President Kennedy to move to Washington to lead the U.S. Department of Agriculture. After thanking the President for his offer, Commissioner Conner respectfully informed him that he wanted to keep his family in Florida and continue serving the state he so deeply loved. For his service to the agricultural industry, he was presented with numerous awards and recognitions. He was inducted into the Florida Agricultural Hall of Fame, Florida Citrus Hall of Fame, the Florida 4–H Hall of Fame, and the Florida FAA Hall of Fame.

Commissioner Conner also had an unwavering commitment to educating young people to help advance Florida's agricultural sector. He maintained a life-long relationship with his alma mater, serving as the president of the University of Florida National Alumni Association, and in 1972, he received the Distinguished Alumni Award. Today, the University of Florida maintains a scholarship in Commissioner Conner's name, which is awarded to students throughout Florida who display leadership in FFA and 4–H.

Commissioner Conner served as a mentor to numerous individuals throughout his career. My wife Vicki and I both had the distinct privilege and honor of working for and learning from Commissioner Conner. His leadership and commitment to Florida helped inspire me and numerous others to pursue public service. His contribution to the state of Florida and our nation cannot be overstated, and his legacy will continue to inspire Floridians for generations to come.

Mr. Speaker, on behalf of the United States Congress I am honored to recognize the life and service of a great man, Commissioner Doyle Conner. His contribution to Florida will never be forgotten. Vicki and I extend our most heartfelt condolences to the entire Conner family.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. COHEN. Mr. Speaker, on December 17, 2012, I was attending to a sick friend and comforting his family and was unable to vote on rollcall vote 627.

If present, I would have voted ''yea'' on H.R. 4606.

IT'S THE MOST WONDERFUL TIME OF THE YEAR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. POE of Texas. Mr. Speaker, it's the most wonderful time of the year. Next week, Americans throughout the fruited plain will come together and pause from the bustle of their everyday lives to celebrate Christmas with the ones they love. To Christians, Christmas is the day to honor the birth of Jesus. The word ''Christmas'' actually comes from the words ''Cristes Maesse,'' which literally translates to Christ's Mass. The word ''holiday'' derives its meaning from the words ''Holy Day''. It also means Grandma's apple pie, Christmas carols, wreaths, cookies, Santa, presents, ornate Christmas trees and other rich traditions that symbolize December 25th.

In the midst of the holiday cheer, we should never forget that some families will have an empty chair at their Christmas dinner this year. For some homes, the empty chair represents a loved one who is serving overseas. For others, the chair is a somber reminder of the warrior who served but never returned. As you celebrate the season within the warmth of your home, think of the families without a full house and the sacrifices they make not just at Christmas time but the other 364 days of the year as well. These families bear the burdens of war, and these burdens weigh heaviest during this time of year.

War at Christmas is not new, and this year will be no exception for those who are still on call serving America. But there is a special way to connect with our troops throughout the world. Each year in Southeast Texas, children and businesses in the community come together and volunteer to make handmade cards for our troops who won't be home for Christmas. It began when my office gathered dozens of cards for me to bring in my suitcase to visit NATO troops overseas. Then we teamed up with Operation Interdependence and the Red Cross to collect 6,000 cards. And every year since it has grown. This year a record-shattering 69,000 handmade cards from the community are on their way overseas. The cards come from all walks of life in the community from the third grader to the local business employee. Each card is different but their message is the same: Thank you. Texans are especially grateful during this time of year for that soldier, that warrior, that sailor, that airman who can't be with their families because they're representing the United States in lands far, far away. There is something about a warrior from the United States opening up a handmade Christmas card from some kid in the United States. At that moment, the darkness of war seems to disappear because of the brightness of a child.

No matter what is going on in the rest of the world, the Christmas spirit of good will and generosity is alive and well in America. Random acts of kindness are seen throughout the nation whether it is a handmade holiday card, a charitable donation to a stranger to ensure that families get to eat a Christmas dinner or a toy drive for children who may not otherwise get to experience the joy of giving and receiving. Christmas really does bring out the best in America.

So next week pause. Eat Grandma's cookies, sing Christmas carols, open presents and enjoy your loved ones. Think of those who have an empty seat at the table this year because their husband, wife, son, daughter, mother or father is serving our country in lands far far away. And don't forget the reason for the season, the birth of Jesus that occurred over 2,000 years ago. Wish your neighbor a Merry Christmas, and be thankful that you live in a nation where you can.

And that's just the way it is.

IN TRIBUTE TO THOMAS AND ESTHER WACHTELL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, Thomas and Esther Wachtell, patriots, entrepreneurs, philanthropists, and community volunteers.

Tom and Esther own and operate Oak Knoll Ranch in Ojai, California. They produce and ship apples from their 10-acre orchard but more importantly, the ranch is their base for their many other efforts.

Tom and Esther both have had storied careers. Tom was a Navy lieutenant commander in the Office of Naval Intelligence, executive vice-president of Occidental Petroleum Corporation in Los Angeles, president of Merrit Energy in Los Angeles, an investor/consultant for Gulf Exploration in Covington, Louisiana, and, with Esther, co-proprietor of Eve's Apples in Ojai.

Esther is president of The Wachtell Group, a fundraising consulting company specializing in large capital campaigns. In addition, she was executive vice-president and president of The Music Center of Los Angeles, an investor with her husband in Gulf Exploration, and co-proprietor of Eve's Apples.

The lists of their community involvements are even longer. Tom's list includes founder/president of the Los Angeles Opera, director of the Performing Arts Council of The Music Center of Los Angeles, director of the World Trade Center in Los Angeles, director of the Good Hope Foundation in Los Angeles, a Republican Eagle, and a member of the Romney Finance Committee.

Esther's list includes founder/chair of the Center on Philanthropy and Public Policy at USC, trustee for Children's Hospital in Los Angeles, director of the Museum of Ventura County in Ventura, California, president of the Ojai Music Festival in Ojai; director of the Libbey Bowl Foundation in Ojai, and director for Ojai Community Bank.

Beneficiaries of their large philanthropic grants include Children's Hospital, Choate School, the Ronald Reagan Presidential Foundation and Library, the Music Center Opera, the Music Center of Los Angeles County, and the Republican Party.

In addition, Esther served as development chair for the Museum of Ventura County, raising $7.5 million for the museum, and for Children's Hospital, raising more than $1 billion, a record for the hospital. She also helped raise $4 million to rebuild the Libbey Bowl as president of the Ojai Music Festival.

Both list their greatest accomplishment as raising three happy and successful children who are married to three wonderful spouses and who have given them 12 fantastic grandchildren.

Mr. Speaker, I know my colleagues join my wife, Janice, and me in paying tribute to our close friends Tom and Esther Wachtell, for their patriotism, entrepreneurship, and philanthropy, which has made our nation stronger politically and economically and made our world a better place to live.

HONORING THE SERVICE OF DR. LINDA J. HEWETT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize Dr. Linda J. Hewett as she celebrates her retirement as co-director of the University of California San Francisco (UCSF), Fresno Alzheimer's and Memory Center (AMC).

Dr. Hewett's lifelong dedication for assisting California's most vulnerable citizens began when she earned her nursing degree in 1968 from the Westminster Hospital in London, where she specialized in maternal and child health. In 1990, she received her doctorate in Clinical Psychology from Pepperdine University.

Dr. Hewett's passion for ensuring that people of all ages live a quality life led her to specialize in neuropsychology. After finishing her pre-doctorate work at Rancho Los Amigos Hospital and post doctorate at UCSF, Fresno AMC, she became the co-director of AMC in 1994. Dr. Hewett began as the Assistant Clinical Professor for the departments of Neurology, Family & Community Medicine, UCSF Medical School, Fresno Medical Education Program, and will retire as an Associate Professor for UCSF. In addition, Dr. Hewett has worked as the Senior Neuropsychologist at AMC since 2004, and from 2001–2003, she was the Director of the Gerontology Program at California State University, Fresno.

Dr. Hewett has served in many capacities over the past few decades. Because of her efforts to educate and spread awareness about Alzheimer's disease she has become a true champion for our Central Valley. Dr. Hewett's expertise is sought out from people all over the state and country. Due to her work with the California State Legislature, there are more Alzheimer's Research Centers that have provided invaluable resources for Alzheimer's and dementia patients.

Thousands of families have been fortunate to receive the benefits of Dr. Hewett's care.

Her overwhelming knowledge and compassion is comforting to her patients and their families. I had the privilege to see Dr. Hewett's work firsthand as she personally treated people very close to my heart. She made them feel comfortable and at ease, and I will always be grateful for the expertise and kindness that she provided to them.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Linda J. Hewett for her service, compassion, and devotion to bettering the lives of others. We thank Dr. Hewett today for her outstanding contributions to the San Joaquin Valley and to the State of California.

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 Thursday, December 20, 2012 may be found in the Daily Digest of today's Report.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8155–S8234

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 3690–3698, S. Res. 625, and S. Con. Res. 65. **Page S8203**

Measures Reported:

Special Report entitled ''Alzheimer's Disease and Dementia: A Comparison of International Approaches''. (S. Rept. No. 112–254)

Report to accompany S. 1980, to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures. (S. Rept. No. 112–255)

Report to accompany S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002. (S. Rept. No. 112–256)

S. 1910, to provide benefits to domestic partners of Federal employees, with an amendment in the nature of a substitute. (S. Rept. No. 112–257)

S. 241, to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds, with an amendment in the nature of a substitute.

S. 1100, to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract, with an amendment.

S. 2234, to prevent human trafficking in government contracting, with amendments. **Page S8203**

Measures Passed:

Improving Transparency of Education Opportunities for Veterans Act: Committee on Veterans' Affairs was discharged from further consideration of H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8229**

Merkley (for Murray) Amendment No. 3405, in the nature of a substitute. **Page S8229**

Foreign and Economic Espionage Penalty Enhancement Act: Senate passed H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, after agreeing to the following amendment proposed thereto: **Page S8229**

Merkley (for Kohl/Lee) Amendment No. 3406, in the nature of a substitute. **Page S8229**

Army First Sergeant David McNerney Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, and the bill was then passed. **Page S8230**

Nicky 'Nick' Daniel Bacon Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3870, to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the ''Nicky 'Nick' Daniel Bacon Post Office'', and the bill was then passed. **Page S8230**

Brigadier General Nathaniel Woodhull Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3912, to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the ''Brigadier General Nathaniel Woodhull Post Office Building'', and the bill was then passed. **Page S8230**

Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5738, to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the ''Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex'', and the bill was then passed. **Page S8230**

Corporal Kyle Schneider Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5837, to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building", and the bill was then passed. **Page S8230**

Sergeant Leslie H. Sabo, Jr. Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5954, to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building", and the bill was then passed. **Page S8230**

Captain Rhett W. Schiller Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3630, to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office", and the bill was then passed. **Page S8230**

Lieutenant Ryan Patrick Jones Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3662, to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building", and the bill was then passed. **Page S8230**

Department of State Rewards Program Update and Technical Corrections Act: Senate passed S. 2318, to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, after agreeing to the committee amendment in the nature of a substitute. **Pages S8230–31**

Dignified Burial of Veterans Act: Committee on Veterans' Affairs was discharged from further consideration of S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8231**

Merkley (for Murray) Amendment No. 3407, in the nature of a substitute. **Page S8231**

Improving Veterans Service Organizations Access to Federal Surplus Personal Property: Senate passed S. 3698, to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property. **Pages S8231–32**

100th Birthday of Rosa Parks: Committee on the Judiciary was discharged from further consideration of S. Res. 618, observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy, and the resolution was then agreed to. **Pages S8232–33**

Opening of the United States Freedom Pavilion: Senate agreed to S. Res. 625, recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives. **Pages S8233–34**

Measures Considered:

Full-Year Continuing Appropriations Act—Agreement: Senate continued 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 and motions proposed thereto: **Pages S8164–65, S8169–96**

Withdrawn:

Leahy (for Inouye) Amendment No. 3338, in the nature of a substitute. **Page S8164**

Pending:

Reid Amendment No. 3395, in the nature of a substitute. **Page S8195**

Reid Amendment No. 3396 (to Amendment No. 3395), to change the enactment date. **Page S8195**

Reid Amendment No. 3397 (to Amendment No. 3396), of a perfecting nature. **Page S8195**

Reid Amendment No. 3398 (to the language proposed to be stricken by Amendment No. 3395), to change the enactment date. **Page S8195**

Reid Amendment No. 3399 (to Amendment No. 3398), of a perfecting nature. **Page S8195**

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 3400, to change the enactment date. **Page S8195**

Reid Amendment No. 3401 (to (the instructions) Amendment No. 3400), of a perfecting nature. **Page S8195**

Reid Amendment No. 3402 (to Amendment No. 3401), of a perfecting nature. **Page S8195**

A motion was entered to close further debate on Reid Amendment No. 3395, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 21, 2012. **Page S8195**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a

vote on cloture will occur upon disposition of Reid Amendment No. 3395. **Page S8195**

During consideration of this measure today, Senate also took the following action:

Leahy (for Inouye) Amendment No. 3339 (to Amendment No. 3338), of a perfecting nature, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Page S8164**

Merkley Modified Amendment No. 3367 (to Amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Pages S8164, S8178–79**

McCain/Coburn Amendment No. 3355 (to Amendment No. 3338), to strike funding for the emergency forest restoration program, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Page S8164**

Tester Amendment No. 3350 (to Amendment No. 3338), to provide additional funds for wildland fire management, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Page S8164**

Coburn/McCain Modified Amendment No. 3371 (to Amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Pages S8164, S8184–94**

Bingaman Amendment No. 3344 (to Amendment No. 3338), to provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha, fell when Leahy (for Inouye) Amendment No. 3338 was withdrawn. **Pages S8164–65, S8194–95**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Thursday, December 20, 2012. **Page S8234**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2014, Dennis C. Shea of Virginia for a term expiring December 31, 2014, and James M. Talent of Missouri, vice Daniel Blumenthal, for a term expiring December 31, 2013. **Page S8234**

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014, vice C. Richard D'Amato of Maryland. **Page S8234**

Messages from the House: **Pages S8200–01**

Measures Referred: **Page S8201**

Enrolled Bills Presented: **Page S8201**

Executive Communications: **Pages S8201–03**

Additional Cosponsors: **Pages S8203–04**

Statements on Introduced Bills/Resolutions: **Pages S8204–06**

Additional Statements: **Page S8200**

Amendments Submitted: **Pages S8206–29**

Authorities for Committees to Meet: **Page S8229**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 10:21 p.m., until 11:00 a.m. on Thursday, December 20, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8234.)

Committee Meetings

(Committees not listed did not meet)

CONSUMER CREDIT REPORTS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection concluded a hearing to examine consumer credit reports, after receiving testimony from Corey Stone, Assistant Director for Deposits, Cash, Collections and Reporting Markets, Consumer Financial Protection Bureau; Stuart K. Pratt, Consumer Data Industry Association, Washington, D.C.; and Chi Chi Wu, National Consumer Law Center, Boston, Massachusetts.

ACCOUNTABILITY REVIEW BOARD

Committee on Foreign Relations: Committee received a closed briefing on the Accountability Review Board from National Security Briefers.

STATE OF THE RIGHT TO VOTE

Committee on the Judiciary: Committee concluded a hearing to examine the state of the right to vote after the 2012 election, after receiving testimony from Senator Nelson (FL); former Florida Governor

Charles Crist, Jr., St. Petersburg; Matt Schultz, Iowa Secretary of State, Des Moines; South Carolina State Representative Gilda Cobb-Hunter, Columbia; Ken Bennett, Arizona Secretary of State, Phoenix; and Nina Perales, Mexican American Legal Defense and Educational Fund, Inc. (MALDEF), San Antonio, Texas.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 7 public bills, H.R. 6683–6689; and 4 resolutions, H. Res. 836–839 were introduced. **Pages H7359–60**

Additional Cosponsors: **Page H7360**

Reports Filed: Reports were filed today as follows: Fourth Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (H. Rept. 112–706) **Page H7359**

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H7267**

Recess: The House recessed at 11:17 a.m. and reconvened at 12 noon. **Page H7276**

Correcting the enrollment of S. 2367: The House agreed to take from the Speaker's table and agree to S. Con. Res. 63, to correct the enrollment of S. 2367. **Pages H7276–77**

Authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye: The House agreed to take from the Speaker's table and agree to S. Con. Res. 64, to authorize the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye. **Page H7277**

Providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress: The House agreed to H. Res. 836, to provide for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress. **Page H7277**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Referring H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members: H. Res. 668, amended, to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, by a ⅔ yea-and-nay vote of 398 yeas to 5 nays, Roll No. 635; **Pages H7280–82, H7308–09**

Reauthorizing 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: H.R. 6672, 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, by a ⅔ yea-and-nay vote of 383 yeas to 16 nays, Roll No. 633; **Pages H7282–96, H7307**

Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Reauthorization Act: S. 1440, amended, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; **Pages H7296–7301**

Agreed to amend the title so as to read: "To reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; to reduce infant mortality caused by prematurity; to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; and to reauthorize support for graduate medical education programs in children's hospitals.". **Page H7298**

Medicare IVIG Access Act: H.R. 1845, amended, to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, by a ⅔ yea-and-nay vote of 401 yeas to 3 nays, Roll No. 634; **Pages H7301–07, H7307–08**

Agreed to amend the title so as to read: ''To provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.''. **Page H7308**

Protect Our Kids Act of 2012: H.R. 6655, to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, by a ⅔ yea-and-nay vote of 330 yeas to 77 nays, Roll No. 636; **Pages H7313–17, H7327–28**

James F. Battin United States Courthouse Designation Act: S. 3311, to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse''; **Pages H7318–19**

Hatch Act Modernization Act of 2012: S. 2170, to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; **Pages H7320–23**

Public Interest Declassification Board Reauthorization Act of 2012: S. 3564, to extend the Public Interest Declassification Act of 2000 until 2014, by a ⅔ yea-and-nay vote of 409 yeas to 1 nay, Roll No. 637; **Pages H7323–24, H7328–29**

Government Employee Accountability Act: H.R. 6016, amended, to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, by a ⅔ yea-and-nay vote of 402 yeas to 2 nays, Roll No. 638; and **Pages H7324–26, H7329**

Agreed to amend the title so as to read: ''To amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.''. **Page H7329**

Nelson "Mac" MacWilliams Post Office Building Designation Act: H.R. 4062, to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''. **Pages H7326–27**

James M. Carter and Judith N. Keep United States Courthouse Designation Act: The House agreed to discharge from committee and pass H.R. 6166, to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse''. **Pages H7317–18**

Paul Brown United States Courthouse Designation Act: The House agreed to discharge from committee and pass H.R. 6633, to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse''. **Page H7318**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Medicare Identity Theft Prevention Act: H.R. 1509, amended, to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; **Pages H7309–13**

Mt. Andrea Lawrence Designation Act: S. 925, to designate Mt. Andrea Lawrence; **Pages H7319–20**

Postal Inspector Terry Asbury Post Office Building Designation Act: H.R. 6587, to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''; **Page H7327**

Mann-Grandstaff Department of Veterans Affairs Medical Center Designation Act: H.R. 3197, to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''; **Pages H7330–31**

William "Bill" Kling VA Clinic Designation Act: H.R. 6443, to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic''; **Pages H7331–33**

Representative Curtis B. Inabinett, Sr. Post Office Designation Act: H.R. 6379, to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office''; **Page H7333**

Sidney "Sid" Sanders McMath Post Office Building Designation Act: H.R. 3869, to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''; **Pages H7333–34**

Elizabeth L. Kinnunen Post Office Building Designation Act: H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''; **Pages H7334–35**

Cecil E. Bolt Post Office Designation Act: H.R. 4389, to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office"; and **Pages H7335–36**

Lieutenant Kenneth M. Ballard Memorial Post Office Designation Act: H.R. 6260, to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office". **Pages H7336–37**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon tomorrow, December 20th. **Page H7333**

Privileged Resolution: The House agreed to H. Res. 839, relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii. **Pages H7337–41**

Senate Message: Message received from the Senate today appears on page H7267.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H7307, H7308, H7308–09, H7327–28, H7328–29, H7329. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 10:21 p.m., pursuant to the provisions of H. Res. 839, it stands adjourned as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

Committee Meetings

EVOLVING SECURITY SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO AND IMPLICATIONS FOR U.S. NATIONAL SECURITY

Committee on Armed Services: Full Committee held a hearing on an update on the evolving security situation in the Democratic Republic of the Congo and implications for U.S. national security. Testimony was heard from Derek Chollet, Assistant Secretary of Defense for International Security Affairs; Johnnie Carson Assistant Secretary of State for the Bureau of African Affairs; and public witnesses.

CHALLENGES FACING MULTIEMPLOYER PENSION PLANS: EVALUATING PBGC'S INSURANCE PROGRAM AND FINANCIAL OUTLOOK

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled "Challenges Facing Multiemployer Pension Plans: Evaluating PBGC's Insurance Program and Financial Outlook". Testimony was heard from Joshua Gotbaum, Director, Pension Benefit Guaranty Corporation.

BUSINESS MEETING

Committee on Ethics: Full Committee held a meeting on considering proposed amendments to Committee Rules. The motion passed by a unanimous vote on the proposed Committee Rules changes.

CONFERENCE REPORT—NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2013; APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003; AND SPENDING REDUCTION ACT OF 2012

Committee on Rules: Full Committee held a hearing on Conference Report to accompany H.R. 4310, the "National Defense Authorization Act for Fiscal Year 2013"; Senate Amendment to H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003"; and H.R. 6684, the "Spending Reduction Act of 2012". The Committee granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervening motion except one hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII.

The Committee granted, by voice vote, a rule providing for the consideration of H.J. Res. 66. The rule makes in order a motion by the chair of the Committee on Ways and Means that the House concur in the Senate amendment with the amendment printed in the Rules Committee report accompanying the resolution. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule further provides a closed rule for H.R. 6684. The rule provides one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. Testimony was heard from Chairman McKeon and Chairman Camp and

Representatives Smith (WA), Jackson Lee (TX), Levin, Mulvaney, Jordon, and Scalise.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.,

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1046)*

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. Signed on December 18, 2012. (Public Law 112–209)

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. Signed on December 18, 2012. (Public Law 112–210)

S. 3486, to implement the provisions of the Hague Agreement and the Patent Law Treaty. Signed on December 18, 2012. (Public Law 112–211)

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 20, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: 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 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.

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: to hold hearings to examine Benghazi, focusing on the attacks and the lessons learned, 8 a.m., SH–216.

House

Committee on Foreign Affairs, Full Committee, hearing entitled ''Benghazi Attack, Part II: The Report of the Accountability Review Board'', 1 p.m., 2172 Rayburn.

House Permanent Select Committee on Intelligence, 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.

Full Committee, hearing on ongoing intelligence activities, 9:30 a.m., HVC–304. This is a closed hearing.

Next Meeting of the SENATE

11 a.m., Thursday, December 20

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 1, Full-Year Continuing Appropriations Act. The filing deadline for first-degree amendments is at 1 p.m.

(Senators will gather in the Senate chamber at 9:35 a.m. to proceed together to the Capitol Rotunda for the viewing of the late Senator Daniel K. Inouye.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Thursday, December 20

House Chamber

Program for Thursday: Consideration of the conference report to accompany H.R. 4310—National Defense Authorization Act for Fiscal Year 2013.

Extensions of Remarks, as inserted in this issue

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