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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Lord, You have given us a world full of rich resources. Make us responsible stewards of Your generous gifts. Help us to remember that to whom much is given, much is expected.

May our accountability to You guide the choices our lawmakers make as they seek to serve You and country today. Lord, fill their minds with wisdom and their hearts with hope so they will believe all things are possible with You. Open their minds to the inflow of Your spirit to prepare them for the decisions they must make this day.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 476, S. 3457, which is the Veterans Jobs Corps Act.

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

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, the next half hour will be for debate on the Coburn amendment on the AGOA-Burma sanctions bill. Following that debate, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees. At 11 a.m. there will be two votes. The first vote will be a cloture vote on the cyber security bill, followed by a vote in relation to the Coburn amendment to the AGOA-Burma sanctions bill. The filing deadline for second-degree amendments to the cyber security bill is 10 a.m. today. Additional votes are possible today, and we will notify Senators when and if they are scheduled. We will vote at 11 o'clock, so those people debating the cloture motion may not get the full hour. They should understand that.

RECOGNITION OF THE REPUBLICAN LEADER

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

CYBER SECURITY

Mr. MCCONNELL. Mr. President, I would like to start this morning with a word about cyber security. No one doubts the need to strengthen our Nation's cyber security defenses. Open source reporting clearly shows that our defense industrial base, financial sector, and government networks are all under attack by nation states as well as independent hackers. The U.S. Cyber Command, the NSA, and the FBI are working hard to counter these threats. So we all recognize the problem. That is really not the issue. The issue is the manner in which the Democratic leadership has tried to steamroll a bill that would address it.

Members on both sides of the aisle have recommendations for improving our cyber defenses, and some of them thought this bill would provide an opportunity to propose those ideas through amendments, especially since Democrats did not allow for an opportunity to do so in committee. Yet, despite preventing Members from amending the bill in committee, the anticipated open amendment process, once this new bill got to the Senate floor, never happened. It just never happened. Despite being on the bill now for the third day, no Senator from either party has been allowed to vote on any amendment.

Look, this is a big, complicated, far-reaching bill that involves several committees of jurisdiction. Democratic leaders have not allowed any of those committees to improve the bill or even vote on it. Frankly, I was a little surprised the majority leader decided to file cloture and end debate before it even started. An issue of this importance deserves serious consideration and open debate. Instead, the majority

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

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leader waited until the last week before August to even take it up. Rather than give this issue the time and attention it deserves, Democratic leaders brought it up with only 3 days left before recess and then tried to jam something through without any chance for amendment.

The few days the bill was on the floor, the majority limited its consideration to debate only and then filled the tree and filed cloture. But, of course, that is kind of par for the course around here. This is the 65th time the majority leader has filled the amendment tree and filed cloture—the 65th time. Just to give a point of comparison, the last 6 party leaders did it 40 times combined. The last 6 party leaders did it 40 times combined. So the majority leader has set a historic pace for blocking amendments. No amendments in committee, no amendments on the floor—take it or leave it. That is the story of the Senate under the current leadership.

The notion that we should just roll over and wave through these bills without having a chance to improve them and that Democratic Senators would be willing to be rolled in such a way is ridiculous, especially on a bill of this significance. I remind my Democratic friends, none of you were able to offer or have a vote on your amendments. By filing cloture and filling the tree, your amendments were blocked as well. The senior Senator from Missouri authored three amendments and cosponsored three others. None of those will get votes if cloture is invoked. The senior Senator from Arkansas has two amendments and cosponsored another. None of those will get votes if cloture is invoked. The senior Senator from Louisiana has authored two amendments and cosponsored one more. None of those will get votes if cloture is invoked. As of this morning, 29 Democratic Senators have filed 74 amendments, not counting the ones used to fill the tree. That is a lot of amendments. They will not get any votes. I may not support all of these amendments. In fact, I am sure there are many I will probably oppose. But that doesn't mean the Senators who proposed them should not be entitled to have a chance to make their case.

Instead of just being rubberstamps for the majority leader, I encourage these Senators to stand up for themselves and their constituents and demand to be heard. After all, the majority leader himself said earlier this year that given the complex nature of this subject, it was essential to have a thorough and open amendment process and even committed to ensuring it.

Let me read what the majority leader committed to on this bill in February of this year. The majority leader said:

> Given the complexity and significance of the legislation, it is essential that we have a thorough and open debate on the Senate floor, including consideration of amendments to perfect the legislation, insert additional provisions where the majority of the Senate supports them, and remove provisions if such support does not exist. For that reason, I have committed to my colleagues that we will have an amendment process that will be fair and reasonable . . . this legislation will have been subject to as fair, thorough, and open a process as is conceivable.

That was the majority leader in February of this year.

There is widespread agreement that a cyber security bill should eventually pass. We need to improve information sharing between the private and public sectors. And there is a clear indication that we will need to responsibly debate this matter in the very near future. If cloture is not invoked today, I suggest we work in a bipartisan fashion to complete the bill, and I suggest that the next time we take it up, we allow the Senate to be the Senate. Let Senators have their proposals considered on the floor, especially if the Democratic leadership is not going to allow them to be considered in committee.

Mr. President, on another matter——

Mr. MCCAIN. Will the Senator yield for a question?

Mr. MCCONNELL. I yield to the Senator from Arizona for a question.

Mr. MCCAIN. I see the majority leader wants to speak, but my question is, isn't it true that there has been a series of meetings including the sponsors of the bill, those of us who believed significant modifications needed to be made, and large numbers of Senators have at least tentatively come to some agreement that we think could move this legislation forward in a fashion that recognizes the importance of the issue and yet dramatically, in our view, improves the legislation? I hope the Republican leader and majority leader would not interpret this vote—which clearly cloture will not be invoked—as an impediment to the process that I think was moving on a path where we could have reached some agreement and addressed this issue and this legislation conclusively.

Mr. MCCONNELL. Yes, I say to my friend from Arizona, he is entirely correct. A vote not to finish the bill today is a vote to actually have amendments and an opportunity to modify the bill, as we all know is necessary, including my friend the majority leader, who indicated as much back in February.

I know the majority leader is on his feet and wants to discuss the matter further. I know he may have time commitments, but I do as well. I have two other issues I wish to address, and then I will be happy to yield the floor.

THE ECONOMY

Two years ago tomorrow, Treasury Secretary Tim Geithner declared in a now-infamous New York Times op-ed entitled ''Welcome to the Recovery'' that because of the actions taken by the Obama administration during its first 1½ years, the U.S. economy was, as he put it, ''on the road to recovery.'' I think it is pretty obvious that the Treasury Secretary jumped the gun on that one. Far from putting us on a path to recovery, it is now obvious that President Obama's policies have made a bad situation worse.

Secretary Geithner was right to say that the President's policies were having an effect on the economy. He was clearly wrong to conclude that they were anything approaching a lasting, positive effect on the economy. On the contrary, we can see that the policies of the President's first 2 years in office put us decidedly on the wrong path.

Two years after Secretary Geithner's op-ed, 23 million Americans are either unemployed, underemployed, or have given up looking for work altogether. Half of the college graduates cannot find a decent job, and with little or no income, many have decided to move back home with mom and dad. Two years after Secretary Geithner all but declared victory, GDP growth is still at an anemic 1.5 percent. Foreclosures are still quite common. More Americans than ever are on food stamps. Two years after Secretary Geithner welcomed Americans to the recovery, more Americans are signing up for disability than are finding jobs. More Americans are signing up for disability than are finding jobs. All of this after the President and a Democrat-led Congress passed his major policy initiatives.

In the face of all these things, you would think the administration would change course, go in a different direction. After all, if it claimed credit then for what it thought was a recovery, it would have to claim credit for what we actually see, now—not exactly apparent.

As it turns out, the administration is happy to claim credit when it thinks things are going well but even happier to cast blame when it thinks things are not going well. So 2 years after touting the impact the President's policies were having on our economy, the administration now acts as though they have been irrelevant. They act as though an additional $5 trillion in debt isn't affecting people's anxiety about the Nation's future. They act as though a $1 trillion health care bill that hammers the private sector isn't affecting business activity.

They act as though the President's perpetual threats to raise taxes aren't impacting investment. They act as though somehow the President's attacks on free enterprise aren't putting a chill on risk-taking. They act as though a barrage of new regulations isn't keeping businesses from hiring and expanding. They say it is Bush's fault, it is headwinds from Europe, it is the Tsunami, and it is the Republicans.

The President can't have it both ways. He can't be responsible for the economy when he thinks it is going well and disavow responsibility when it clearly isn't. He is either responsible for it or he isn't.

The Treasury Secretary had it right 2 years ago when he said: The President's policies have had a big impact on the economy. What he got wrong

was the fact that the impact was actually negative. If we were to ask ourselves whether Americans are better off now than they were 2 years ago, the answer would be obvious. The President's policies have clearly made it harder for Americans to find jobs and to keep those jobs.

If the President wants to cast blame for the economic mess we are in, he should look no further than his own policies. If he is more concerned about the future of the country than his own reelection, he would work with us to go in a different direction. For 3½ years, Republicans stood ready to work with him on the kind of policies that would empower the private sector to lift us out of this recovery once and for all. Comprehensive tax reform, an all-of-the-above energy policy, eliminating burdensome regulations, these are the kinds of things we can do together. We are ready whenever he is.

Finally, on one other subject, and I apologize to my friend the majority leader for delaying him further.

TRIBUTE TO CARL KAELIN

Mr. President, I wish to congratulate my old friend Carl Kaelin of Leitchfield, KY. Carl was recently appointed national inspector general of the Veterans of Foreign Wars of the United States at the national convention in Nevada. Carl is the first Kentuckian to become VFW's national inspector general, one of the highest positions in that organization.

Carl has a long history of serving his country, the Commonwealth of Kentucky, his community and veterans across the State and, indeed, the Nation. He served in the U.S. Army as a crew chief of an OV–1 Mowhawk aircraft in Vietnam in 1968 and 1969. Upon his return in 1969, he joined VFW Post 1170 in Middletown, KY, becoming a VFW life member.

Carl has served the VFW in a number of positions over the years, including as post and district commander and, at the age of 33, as Kentucky's youngest State commander.

In these capacities and on the VFW National Council of Administration, Carl worked tirelessly on behalf of America's heroes, our Nation's veterans. In addition to his selfless work with the VFW, Carl has also been active with Kentucky's Joint Executive Council of Veterans Organizations and served as mayor and city councilman of the city of Lynnview, KY.

Over the years, I have had the great fortune of working with Carl on a number of issues to ensure our Nation's veterans receive the care and the benefits they deserve.

I congratulate Carl Kaelin and his wife Linda on his new position and thank him for his military service and tireless dedication to our Nation's veterans. I also thank him for his friendship over the years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, I wasn't planning on making a statement today. I felt we should leave the time for the vote we are having at 11. It is my understanding that under the rule, Senator COBURN and others will have a half hour to debate the Burma sanctions; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. The time left over will be whatever time is left over for the debate on the motion to proceed to the cloture vote; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

TAX PLANNING

Mr. REID. I will talk about cyber security in 1 minute. Let's talk about the minority leader's continual harangue against the President of the United States. Underscore all of this with what my friend the Republican leader said at the beginning of this Congress: The No. 1 issue for him in this Congress is defeating President Obama, and that is how the Republicans have acted. To talk about a Republican tax plan would have to bring a smile to one's face. Yesterday, an organization called the Tax Policy Center—now remember last year Mitt Romney called the Tax Policy Center ''an objective third party'' and cited one of their studies to bash Rick Perry in the Republican primary. So this objective third party said yesterday about Romney's tax plan that my friend the Republican leader wants the American people to grab. The only people to be grabbing that are very rich people.

The vast majority of Mitt Romney's tax plan would go to people just like him, people making millions of dollars every year. Under Romney's plan, folks making more than $3 million a year would get a tax break of almost $250,000 per year. So how will he pay for this massive handout to the top 1 percent? He will hand the bill to 95 percent of the American people. Under his plan, my friend the Republican leader wants—I hope everyone within the sound of my voice listens to this because the Republican plan would require the average middle-class family with children to pay $2,000 more in taxes to take care of the millionaires. Ninety-five percent of families in this country would be asked to pay more so people such as Mitt Romney can get a tax break. Now, that is a great program, a wonderful program.

Last year, I repeat, Mitt Romney called this Tax Policy Center an objective third party when he was once again changing his position during the Republican debates leading up to his nomination. Now that the group has exposed his plan to hike taxes for 95 percent of the American families while handing out more giveaways to millionaires, the Tax Policy Center is suddenly too liberal, his spokespeople say, to be trusted. I would suggest, when we are talking about trust, we need to look no further than the person my friend the Republican leader wants to be President of the United States.

As we know, he has refused to release his tax returns. If a person coming before this body wanted to be a Cabinet officer, he couldn't be if he had the same refusal Mitt Romney does about tax returns. So the word is out that he has not paid any taxes for 10 years. Let him prove he has paid taxes because he has not. We already know from one partial tax return he gave us he has money hidden in Bermuda, the Cayman Islands, and a Swiss bank account. I am not making that up. Mitt Romney makes more money in a single day than an average middle-class family makes in 2 years or more.

So let's not talk about this great plan the Republicans have to create jobs. The No. 1 goal in this body by the Republicans has been to damage the President of the United States. They have refused to work with us in creating jobs.

CYBER SECURITY

Let's talk a little bit about cyber security. We have people coming over here saying: We almost have a deal. I have been hearing that for 3 years. We have been working on cyber security for 3 years. They are over here today asking why we don't have more meetings. This is a bill that has had meeting after meeting. Chairman LIEBERMAN, Chairman ROCKEFELLER, and Chairman FEINSTEIN have had plenty of meetings. They have had meetings with the Republicans, meetings with Independents, and meetings with business groups. So don't come and lecture us over here about how my Senators should vote. We know how important this legislation is. We believe this legislation is more important than getting a pat on the back from the Chamber of Commerce.

The Chamber of Commerce does not support this legislation. That is why the Republicans are running like scared cats, because the Republicans will not endorse doing something that is good for our country and that is protecting us against cyber attacks.

The statements made by the Republican leader speak volumes. This is another filibuster that could have been prevented by their work to get a list of relevant amendments to show how serious the Republican leader is about cyber security. Let's just take a few days from this week. We have been stalled and stalled in months past trying to get a bill. We could never get the Republican leader to endorse a bill. We worked with the White House, and they came aboard. We begged and pleaded to do a bill together. No, no; because the Chamber of Commerce does not want a bill.

The first thing we hear about cyber security, to show how serious they are, is an amendment where they want to repeal ObamaCare. They did that on the last day of the month of July, when on the first day of August all these great benefits for women kick in.

The Republican leader was standing here and said, I want to vote on

ObamaCare. Then he walks out there a few hours later, standing by the famous Ohio clock, and says, cyber security, we should do it. It will take a lot longer to do than the time we have. If cloture is not invoked today, it is for reasons I have just enumerated but principally because of the Chamber of Commerce. They are opposed to the initial bill because it was mandatory that these companies do something to protect America from these attacks from bad people.

So Senators LIEBERMAN and COLLINS, the two managers of this bill from the Homeland Security Committee, said: OK. We don't think this is the right thing to do, but we will not make the provisions mandatory anymore. That is still not good enough for the Chamber of Commerce. A voluntary alternative is still something opposed by the Chamber of Commerce.

I have and numerous other people have come to the floor and talked about how important this bill is. The bill that is before this body now that we are going to vote cloture on would be a wonderful step forward. No, it doesn't do everything everyone wants, but it is a good bill. It is to protect our country. The leaders of the security of this Nation, including General Patraeus, General Dempsey, and the people working in NSA say this bill is more important than Iran, Afghanistan, Pakistan, and North Korea. But the Chamber of Commerce has now interjected themselves in the security of this Nation. They think they know more than Patraeus, Dempsey, and all the leaders of this country. They are telling the Republicans to vote against this, believing they will get something better later on. Maybe they will, but right now here is what we have. I think it sends a very bad message to the country that Republicans are not willing to support this legislation.

To show how serious the Republicans are to get this bill done, they filed an amendment on a right-to-work law and they filed an amendment on repealing Dodd-Frank. That is just some of the beginning volleys they shot over here. My friend, the Senior Senator from Arizona, steps in and says: We are working on a list.

So I am disappointed, perplexed, and somewhat confused about how the Republicans want to proceed. It is obvious—it is obvious—until they get a signoff from the chamber of commerce that nothing will happen on one of the most important security interests this country has faced in generations.

So I would suggest that the Republican leader, rather than trying to denigrate this legislation that has been done with the best interests of the country at heart—including one of his most valued Senators, Ms. COLLINS—do a conference call with the chamber of commerce. Have them come down here and tell them what they want, and maybe, with what the chamber of commerce wants, we can work something out, because they are ruling the place now as far as this legislation goes.

The chamber of commerce, I will repeat, for the first time that I am aware of in the history of this country, has now become the protector of our Nation's security interests. That says it all, Mr. President.

RESERVATION OF LEADER TIME

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

AFRICAN GROWTH AND OPPORTUNITY AMENDMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill, (S. 3326), to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I wish to say I appreciate the leadership for working to ensure a vote on this package. This package was slowed down not because anybody is truly opposed to what we are trying to do, but the package was slowed down because of the way we are paying for it. We are going to see that coming over from the House as well. It is not a Republican or a Democratic problem; it is a problem of all of us because there is going to be an emergency farm bill, a disaster bill, coming over that is going to spend almost $400 million, and it is paid for over 5 years. That has to stop. It has to stop.

Right now, in this country, every man, woman, and child is on the hook for $53,000 of debt. So the typical American family is on the hook for 212,000 bucks right now because of what we have done. So my objection was not with the AGOA package, it is not with Myanmar, it is not with any of that. Those are great policy things. My objection is we are addicted to not fulfilling our responsibilities and delaying.

So this is a very simple, straightforward message and amendment that does two things: One, it recognizes the recommendation of the Obama administration in terms of duplication and the need for consolidation. That is how we are eventually going to get out of the hole. We have $130 trillion in unfunded liabilities, and we have $16 trillion in debt. It was a good recommendation. We totally ignored it. We have ignored it. Nothing has happened on what they have recommended. There have been no hearings on what the Obama administration recommended in terms of combining some of the departments at OMB.

So this is just a step toward trying to meet in the middle with what the Obama administration has recommended and us actually paying the $200 million in costs over 2 years, with $200 million worth of savings in 2 years.

The bill, as it presently stands, takes 10 years to pay for $200 million. We have a $3.7 trillion budget—or CR—and we can't find—it is less than one-hundredth of 1 percent, and we can't find it. So what this does is delay the cost—the payment—for this bill over a period of years, all the way out to 2023. No family who is broke gets to operate that way—and we are. Nobody who has maxed out their credit cards gets to do that, and we have maxed them out. So what we are saying is there is a ton of money that is available that we can use.

We have had three amendments on this floor that everybody who is going to be in opposition to this have voted for to eliminate duplication. The vast majority of my colleagues on the other side have voted for it, and the vast majority of my colleagues on my side have voted for it. So we are going to use that same skill where we know there is waste and we know there is inefficiency. We have tons of GAO reports, tons of IG, and tons of oversight of the Homeland Security Committee in the Senate that shows where the duplication is. All we are asking is, let's pay for it. Let's pay for it.

This place is so manipulated, I couldn't get a score until yesterday because somebody was telling them don't give him a score. Then when we changed the amendment, all of a sudden, because we want to know what the amendment says, CBO says: Well, wait a minute. That might not work. The fact is CBO didn't read our amendment right, and they know they didn't. So OMB was consulted. They said this amendment is implementable, and it fits with what the President was recommending in terms of consolidation of programs.

So what it says is let's make this a start today. Let's actually start paying for things in the years in which we are going to spend the money, and let's not kick the can down the road. Let's not charge it to our kids because the history is we take 10 years to pay for something, we come back next year and we will change it. We will change it. So what was paid for this year all of a sudden is not paid for anymore, and it is smoke and mirrors for the American people.

So this is very straightforward. It is a clean pay-for. It uses two mechanisms to get there which have been scored that will accomplish it.

I fully support the AGOA. I am sorry we got delayed. I am actually sorry it took—because there has already been

some damage done, than had we passed it when it came here. That was never my intent, but we can right that today. What I agreed to is if I lose the amendment, fine. But to not try to pay for things, to not create a discipline to get back where we should be—we are going to do this. We may not do this today, but I promise my colleagues the international financial community, in a very short period of time, is going to make us do this. So let's start doing it on our own under our own terms rather than what some foreign bondholder or the Chinese want to do.

The other objection that might be there is, well, if we do this, it will have to go back to the House. That is right. This passed on suspension. There was very little opposition to it. It will go back modified; they will pass it. I have talked to the Speaker. They haven't passed the other one first because they are waiting on us to act. We will hold ours at the desk because it has a revenue problem; they will modify theirs; they will do exactly what we did. I would just appreciate us standing up to the real problems in front of us.

It is a great goal to want to help these areas. It is a great goal to put the sanctions back on Myanmar so that they can be adjusted and used to create freedom. Those are great goals. But there is a greater goal because none of those things are going to matter if our financial system, our way of life, crashes around us because we are not responsible here.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator wish to call up his amendment?

Mr. COBURN. I do. I thank the Chair.

AMENDMENT NO. 2771

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2771.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.—Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(1) in the paragraph heading, by striking ''2012'' and inserting ''2015'';

(2) in subparagraph (A), by striking ''2012'' and inserting ''2015''; and

(3) in subparagraph (B)(ii), by striking ''2012'' and inserting ''2015''.

(b) ADDITION OF SOUTH SUDAN.—Section 107 of that Act (19 U.S.C. 3706) is amended by inserting after ''Republic of South Africa (South Africa).'' the following:

''Republic of South Sudan (South Sudan).''.

(c) CONFORMING AMENDMENT.—Section 102(2) of that Act (19 U.S.C. 3701(2)) is amended by striking ''48''.

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

SEC. 2. ELIMINATION OF UNNECESSARY DUPLICATION, REDUNDANCY, AND OVERLAP OF FEDERAL TRADE PROGRAMS.

Notwithstanding any other provision of law, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant Federal agencies—

(1) to, not later than 60 days after the date of the enactment of this Act, eliminate, consolidate, or streamline Federal programs and Federal agencies with duplicative or overlapping missions relating to trade;

(2) to, not later than September 30, 2012, rescind the unobligated balances of all amounts made available for fiscal year 2012 for programs relating to trade for the Department of Commerce, the Small Business Administration, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and the Trade and Development Agency, with the amounts rescinded to be deposited in the general fund of the Treasury for purposes of deficit reduction;

(3) to reduce spending on programs described in paragraph (2) by not less than $192,000,000 in fiscal years 2012 and 2013 (including the amounts rescinded pursuant to paragraph (2)); and

(4) to report to Congress not later than 180 days after the date of the enactment of this Act with recommendations for any legislative changes required to further eliminate, consolidate, or streamline Federal programs and Federal agencies with duplicative or overlapping trade missions.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to speak both in favor of the passage of the bill, S. 3326, and to speak against the Coburn amendment.

I, first, wish to thank Leaders REID and MCCONNELL, as well as Senators BAUCUS and HATCH, for working together diligently to find a path forward for passing this bill. I wish to recognize Senator COBURN and Senator MENENDEZ for being willing to work with us to get to today.

I say with some regret that I stand to speak against the Coburn amendment because I respect and recognize Senator COBURN's determination to hold this body accountable and to find pathways forward to deal with our record deficit and debt. In that broader objective, I look forward to working with him on finding responsible pay-fors in future bills and in finding ways that we can steadily partner to reduce the deficit and to find and root out waste and abuse in Federal spending. But I have to say in this particular case, on this amendment, on this day, if we change the pay-for, we kill the bill.

We have heard clearly from the Republican chairman of the House Ways and Means Committee, Mr. CAMP, and from his ranking minority member, Congressman LEVIN, that they will not take up this bill if amended in this form, if broken and reassembled, or if sent over in any other way. The pressure of today and the pressure of the value, the importance of this bill is what I choose to speak to. I may at some point reserve time to speak to other issues embedded in the amendment, but I first wanted to speak to the underlying bill.

I am the chairman of the African Affairs Subcommittee of the Senate Foreign Relations Committee, and it is, in some ways, my special honor and challenge to help this body grasp why the African Growth and Opportunity Act is important for us to reauthorize today. Specifically what I am speaking to is the third-country fabric provision which expires in September. This Chamber is about to go out of session later today, and every day we delay in the reauthorization of this critical provision costs jobs, costs opportunity, and costs the future. Let me speak to that for a few minutes, if I might.

Creating American jobs and fueling our economic recovery is my top priority, and I know it is for many Members of this body. That is why I am here to talk about what we can do to strengthen our economic security. It may surprise my colleagues, but the truth is one of the best ways to look for that future opportunity is one that was considered among the least likely just a few years ago in Sub-Saharan Africa.

Access to emerging markets is critical to America's health and growth, and increased political stability and rising wages in an emerging middle class across Africa makes it the most promising continent for countries willing to invest in long-term partnerships with the United States. In AGOA—the African Growth and Opportunity Act—and its third-country fabric provision, the United States has seized this opportunity to pursue broad and mutually beneficial economic relationships that give American consumers and businesses economic security by allowing eligible countries to export apparel from Africa that is more affordable to the American consumer and, in so doing, create jobs in Africa that otherwise would be elsewhere in the world.

This key provision, as I have said, expires in September. Our delay in moving forward with reauthorization that has earned strong bipartisan support is already disrupting production for American apparel companies along with the supply chain on which their customers depend. In my view, we cannot wait to take action. America can't afford to turn its back on African markets, and Congress can't afford to turn its back on extending this provision.

Every 3 years since 2000, Congress has unanimously passed the reauthorization of this provision without controversy, and it is, in my view, time to do so again.

I respect Senator COBURN's concern that we must change business as usual in this Chamber, but the timing of this amendment and the timing of this concern is, to me, not wise.

Today Secretary Clinton is in the middle of a continent-wide tour of African countries. She is engaging with

countries for strong emerging middle classes, and that offers us great opportunity: future economic partnership and very real political partnerships. From Ghana to Ethiopia to Tanzania to a half dozen other countries, some of the fastest growing economies in the world are in Sub-Saharan Africa. The seven countries that are the fastest growing economies in Sub-Saharan Africa are home to 350 million potential consumers of our products. In my view, that is why I am urging my colleagues to vote against the Coburn amendment and to allow us to pass this critically important bill today. Failing to do so, in my view, is bad for Africa and for America.

Reauthorizing this provision supports the poorest African workers, the vast majority of them women. Senator ISAKSON, who is my capable and talented ranking minority member on the African Affairs Subcommittee, joined with Congressman SMITH and Congresswoman BASS, who are our counterparts in the House, in hosting a meeting 3 months and 6 months ago with roughly 35 Ambassadors from all over the continent who pleaded with us to reauthorize this critical provision.

The economic benefits of a strong middle class in Africa are obvious—a pool of new consumers hungry for American products; potential partners for us. And countries with flourishing middle classes are more likely to have strong democratic institutions, good governance, and low corruption. They are more likely to be stable and bulwarks against instability in Africa, a region that I think is vital to our future.

In short, then, reauthorizing this provision and continuing our strong bipartisan support of tradition for AGOA is where the United States can continue to differentiate itself from competitors such as China, which recently surpassed the United States as Africa's No. 1 trading partner. The United States has exports to Sub-Saharan Africa that exceeded $21 billion last year, growing at a pace that exceeds our exports to the rest of the world.

Africans want to partner with us. They want to work with us, and they seek opportunity. This sort of bipartisanship that in the past has allowed this AGOA third country fabric provision to be reauthorized without controversy is one that I think we should embrace again today. So let's end the delays and reauthorize this provision.

Mr. President, I yield 3 minutes of my time, if I might, to the Senator from Georgia, who would like to speak to the issue of the value of the African Growth and Opportunity Act.

Mr. ISAKSON. Mr. President, may I inquire of the Chair how much of the proponents' time would that 3 minutes leave?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. ISAKSON. Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise for just a moment to do two things. First of all, I spent 33 years selling houses. I have dealt with honest brokers, and I have dealt with brokers who were hard to deal with and whom I would never categorize as honest. Senator COBURN from Oklahoma is the most honest broker I have ever dealt with in politics or in selling houses. I wish to acknowledge for just a second exactly what he said about the process, his support for the AGOA provisions but his concern about the pay-for, but the fact that he never tried to scuttle this piece of legislation, he only tried to get his day in court. I respect that, and I want him to know that. If we all acted a little bit more like that, we would have a lot more debate on the floor and a lot fewer problems in terms of running our country.

As far as AGOA, I want to say this. As the chairman and ranking member, as Senator COONS and I are, of the African Affairs Subcommittee, we travel to that continent quite a bit. One of my trips was to the Sudan, to Darfur, and to the South Sudan, when the comprehensive peace agreement was being negotiated. As this body knows, the South Sudan had their revolution peacefully. South Sudan became the newest country on the face of this Earth, and South Sudan will become, if AGOA passes today, one of the parties to this agreement, which is critical to the developing economy of the South Sudan as an independent nation. Further, the other nations that are included are nations that depend on this legislation to raise a middle class in Africa that will become the customers of the United States of America and our businesses.

I say often in my speeches about Africa that if it is true that Europe was the continent of the 20th century in the first 50 years and if it is true that Asia was the most important continent in the last 50 years of the 20th century, Africa is the continent of the 21st century. This is an agreement that is important to our relationship with Africa, it is important to our economy, it is important to American textiles, and it is important to jobs in Africa.

I commend Senator COONS for his hard work, and I intend to support the AGOA bill and ask all of my fellow colleagues to do the same.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is intriguing to me. We heard the Senator from Delaware absolutely assure us that if we defy this, the House is not going to do the right thing. My conversation with Chairman CAMP was different from that. I do not know what the timing was between our conversations. But it is never the right time in Washington to fix our problems.

We do a lot of great things. You want to talk about job creation? Job creation has decreased by 1 million jobs a year in this country simply because we continue to add to our debt. And this bill adds to our debt. It is not paid for. It has another trick in there that actually charges more in corporate taxes just to get around pay-go.

So the point is—and I will not have any more to say on this bill so we can go on and get to the other—the point is, if we stood and did the right thing and led this country by actually paying for something at the time, the House would change it—just for the very reasons the Senator from Delaware said. It is important. If we had a strong vote that said: Yes, it is important, but, by dingy, we are not going to keep doing the same thing that has been bankrupting this country—but now we use an excuse to say: Well, here is our reason why we cannot do what is right.

America should spit us out of their mouth. We never find the right time to actually have the fiscal discipline that will solve our county's problems and create a viable future for our children, let alone African children.

So that is a real choice today. I do not expect to win this because this place is not going to change until the people who are here decide that the future of our country is more important than anything else and we start acting like it. And we can do good things internationally, but we can do them the right way that will not put our children at risk. Our debt level is such that our GDP is decreased by 1 percent right now—it is proven—just because of the amount of debt we have.

So we are going to pass a bill with great intentions, with which I agree. It will have a great result; I agree with that. We can do both. We can actually do better. But it is because there is not the spine in the Senate to stand up and make the hard choice. This country is full of people outside of Washington who are used to making hard choices, and they are doing it in this tough economic time all the time. They are making hard choices. We lack the intestinal fortitude to do that. We should have them here and us home because they know how to get it done.

So what we are going to do is we are going to do the same thing we have always done. We are not going to make the hard choice. We are not going to do the best we can do. We are going to settle for second best because we have an excuse not to make the hard choice. The excuse right now is that the House will not move. Well, I will guarantee you, if it as important as Senator COONS and Senator ISAKSON say it is, and Representative SMITH, and we sit here and say our position is that it is paid for within 2 years, I will bet you by tomorrow it will be paid for within 2 years. But we will not ever do that because we lack the courage to do the hard thing, the right thing. What has that gotten us? It has gotten us deeper in debt, a depressed economy, an anxious American citizenry that has no

confidence about the future, which is so self-fulfilling in terms of driving the economy down even further.

It is time for us to lead. This is a small issue, but if we cannot even pay for $200 million over 2 years, we do not deserve to be here, we do not deserve it, because what we are really doing—we are helping people in Africa, we are helping the freedom in Burma, but what we are really doing is taking just a little bit of freedom away from our kids. That is the real vote here. It is really not about money; it is about destroying the future prospects of this country because we refuse to make a hard choice.

There can be a lot of flowery speeches about it. We can say we are going to do something good. I will tell you that well-intentioned desires by the Members of this body are what has us $16 trillion in debt.

I will not spend any more time. I have the greatest respect for the Senator from Delaware. I know he believes in this cause. He is bigger than this. He can make this tough vote. He knows how big the problems are. If we are not going to do it now, when are we going to do it? If we are not going to do it on something small, when are we going to do it?

We are not going to do it, and that is what the American people get. That is why there is an uprising in this country to get back to the basics of the Constitution. That is why there are people who are interested—because we have mismanaged it because we will not do the hard part.

Mr. President, I yield back my time.

I will ask for the yeas and nays at the appropriate time.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. COONS. Mr. President, I wish to thank my colleague from Oklahoma for his remarks.

If I might just conclude my comments on this amendment by speaking in a little detail on the amendment and its substance.

The Senator from Oklahoma essentially directs the administration to find $192 million in reductions in spending in the following agencies: the Department of Commerce, the Small Business Administration, the Export-Import Bank, the Overseas Private Investment Corporation, and the Trade and Development Agency.

In my role as the chair of the African Affairs Subcommittee, we recently held a hearing on expanding U.S. trade opportunities in Africa for exactly the reasons I elucidated previously: that there is enormous growth, there are great opportunities across the continent. Our competitors from all over the world—not just China but Brazil, Russia, and other European countries—are expanding their investment and their seizure of these opportunities in a way that we are not.

The structure of this amendment would simply declare that there is $200 million of waste and duplication at several important trade agencies and direct the administration to slash their budgets for that amount and then hope for the best.

That is what Senator COBURN's proposed offset would do. These are agencies that promote and finance U.S. exports and help small and large U.S. businesses export and compete in a global market. In my view, exports, particularly to this market, mean jobs. So I am not convinced that now is the time to blindly slash our ability to export. I think we should instead be encouraging exports.

In the context of the Federal budget, $192 million is a very, very small amount of money. I look forward to working with Senator COBURN to find other places where we can find reductions of this size. But this amendment, at this time, on this day, would kill the broader and more important objective of reauthorizing the African Growth and Opportunity Act third-party fabric provision, of moving forward with relevant Burma sanctions, and of moving forward with an important technical fix to CAFTA.

This is a carefully crafted compromise bill that the House will pass once we pass it. I urge my colleagues to vote against the Coburn amendment and to move forward with passage of this vital bill.

Mr. President, I yield back the remainder of my time and yield the floor.

CYBERSECURITY ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, later this morning we will vote on whether to invoke cloture on a major cyber security bill. In the past 3 days we have received letters from GEN Keith Alexander, who is the head of Cyber Command as well as the chief of the National Security Agency, from the Secretary of Homeland Security, and from the Chairman of the Joint Chiefs of Staff, urging us to act immediately on this important legislation. Let me read briefly from all three of these letters.

General Alexander said the following:

> I am writing to express my strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week. The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay.

That is what General Alexander has told us.

Secretary Napolitano wrote to us:

> I am writing to express my strong support for S. 3414, the Cybersecurity Act of 2012. I can think of no more pressing legislative need in our current threat environment.

The Chairman of the Joint Chiefs of Staff, General Dempsey, wrote the following:

> I am writing to add my voice to General Alexander's and urge immediate passage of comprehensive cyber security legislation. We must act now.

How many more implorings do we need from our Nation's top homeland and military officials to act on what many believe to be the greatest threat that is facing our Nation? A cyber attack with catastrophic consequences is a threat to our national security, our economic prosperity and, indeed, to our very way of life. Our adversaries have the means to launch a cyber attack that would be devastating to our country. All the experts tell us, it is not a matter of if a cyber attack is going to be launched, it is when it is going to occur.

So I find it incredible and indeed irresponsible that this body is unable to reach an agreement to allow us to move forward on this important legislation. It is astonishing to me that irrelevant, nongermane amendments have been filed to this important bill on both sides of the aisle. It is unacceptable that we have worked hard and have come up with a list of relevant and germane amendments, and yet we cannot seem to reach an agreement to proceed.

American officials—our government officials—have already documented that our businesses are losing billions of dollars annually and millions of jobs due to cyber attacks, attacks that are happening on our government and business computers and individual computers each and every day.

Yet our defenses are not there. General Alexander, who knows more about the cyber threat than any individual in this country, was asked to rank our preparedness for a large-scale cyber attack on a scale of 1 to 10. Do you know what he said? He deemed us to be at a 3. Is a 3 adequate to protect this country from what we know is coming, that is only a matter of time?

There have been all sorts of suggestions for improving this bill. We have adopted many of those suggestions. Indeed, we have made major changes to make this bill more acceptable to those on my side of the aisle. And what has been our reward? To be criticized for making changes in the bill, for having Members on our side of the aisle, my side of the aisle, say, well, now it is a different bill.

Well, it is a different bill because we took their suggestions, and we took the suggestions of a bipartisan group acting in good faith headed by Senator KYL and Senator WHITEHOUSE. There is much more I want to say on this issue. I see the chairman has arrived on the floor. I know opponents to the bill such as Senator HUTCHISON wish to speak and should certainly be given the right to do so. But let me say that rarely have I been so disappointed in the Senate's failure to come to grips with a threat to our country that all of these officials have warned us over and over again is urgent and must be addressed now. Not maybe in September; not probably by the end of the year; not in the next Congress, but now.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wanted to get the time for our side and the time for the bill sponsor's side and clarify that the people on our side would have 15 minutes. Is that correct?

The ACTING PRESIDENT pro tempore. The time is divided between the two leaders or their designees. The Republican side has approximately 9 minutes, and the majority side has 16 minutes.

Mrs. HUTCHISON. I wanted to clarify that there would be time for the opposition side. I did not know if Senator COLLINS is speaking for the majority side then or the minority side. I am trying to clarify to assure that the opposition is getting some equal amount of time or close to equal.

Mr. LIEBERMAN. Mr. President, I understand the time is divided between the two leaders. But I think there is 15 minutes for the proponents and for those opposed. I would ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. COLLINS. Reserving the right to object, it is my understanding that I am managing the time on the Republican side. I, of course, want to make sure that the Senator from Texas is treated fairly and is given an opportunity to present her views. But it was my understanding that the 15 minutes is allocated to me to dole out or to allocate on our side.

Mrs. HUTCHISON. Then how much time would the proponents have with Senator COLLINS and Senator LIEBERMAN on the proponents' side?

The ACTING PRESIDENT pro tempore. The time is divided between the two sides, not between the proponents and opponents.

Mrs. HUTCHISON. How much, then, would be left on the Republican side?

The ACTING PRESIDENT pro tempore. There is 7 minutes left on the Republican side. The majority side has 15.

Mrs. HUTCHISON. Mr. President, I would ask unanimous consent that the opponents have at least 10 minutes.

Ms. COLLINS. I have no objection.

Mr. LIEBERMAN. Nor do I.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to be notified when I have 5 minutes left, because Senator MCCAIN is expected on the floor, and if Senator CHAMBLISS or others come, I would like to have the time.

The PRESIDING OFFICER. The Chair will do so.

Mrs. HUTCHISON. Mr. President, I rise to express my disappointment that we are taking a vote that is very premature. Not that we have not been discussing this bill for over a year. I have certainly been one of the first to say that we should vote on a cyber security bill. This is a complicated bill. It is a bill that did not get marked up in committee.

In our discussions, we are talking about amendments. I want to say that the proponents of the bill before us have certainly been willing to talk and adjust and try to make changes in the bill. It is not there yet even though we have been meeting pretty much constantly. There are three different groups that have a very strong interest. All of us are interested in getting a cyber security bill, but none of us likes what is before us—well, obviously the proponents of the bill like what is before us.

But two other groups are very concerned about further needs in the bill. Let me say that we have an alternative called SECURE IT. It is cosponsored by eight of the ranking members of committees and subcommittees that have jurisdiction over cyber security. Senators MCCAIN, myself, CHAMBLISS, GRASSLEY, MURKOWSKI, COATS, BURR, and JOHNSON are cosponsoring a bill that could pass the House and go to the President.

My concern with S. 3414, on which we are voting on cloture, is on the process, because we have not had a chance to amend this bill. The majority leader is attempting to invoke cloture and fill the tree so that we are not able to put any amendments on this bill at all. It is a bill that will not get 41 votes for sure. And there are many others who are very concerned about the substance of the bill.

You cannot have a bill with no amendments that is this important and this technical. Let me state some of my concerns on the bill before us. First, it will actually undermine the current information sharing between the government and the private sector. The biggest priority we have is to get the private sector to the table and to make sure they have the ability to not only give information to the government but get information from the government. Furthermore, they must be able to share among the other industries, if they see a cyber threat, on an expedited basis.

No. 2, the Department of Homeland Security would be granted authority over standard setting for private sector systems. That is unacceptable in the private sector and most certainly is not going to produce what is a consensus for getting the information we need. It assumes that government must take the adversarial role against private network owners in order to get cooperation when, in fact, both the government and the private sector share the same goals of increased cyber security.

Let me read from a couple of letters we have received with concerns about this bill. The American Bankers Association, the Financial Services Roundtable, the Consumer Bankers Association, and 6 other organizations say: This legislation threatens to undermine important cyber security protections already in place for our customers and institutions. It misses an opportunity to substantially improve cyber threat information sharing between the Federal Government and the private sector.

The National Association of Manufacturers says: The creation of a new government-administered program in an agency yet to be named forces unnecessary regulatory uncertainty on the private sector.

The defense industry groups are very concerned about not having direct access to the National Security Agency with whom they deal now, and this bill would take that away from their capabilities.

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

Mrs. HUTCHISON. Let me ask my colleagues, I have reserved the 5 minutes that I have for opponents. Is that going to change, Senator LIEBERMAN? If not, I will give 2½ minutes each to Senator MCCAIN and Senator CHAMBLISS of my 5 minutes.

Mr. LIEBERMAN. Mr. President, I think that is the situation we are in, because the vote is set to go off in a little more than 15 minutes. I have not spoken yet.

Mrs. HUTCHISON. I will ask my colleagues, Senator MCCAIN—I can give you 2½ minutes to you and Senator CHAMBLISS. While they are going to their microphones, I want to say that they have been instrumental in trying to get a consensus bill. And they, like myself, are very disappointed that we are prematurely voting on a cloture motion when we have had no ability to amend the bill.

I yield 2½ minutes to Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Well, Mr. President, I want to again thank Senator LIEBERMAN and Senator COLLINS for their willingness to negotiate seriously. I want to thank also Senator CHAMBLISS as well as Senator HUTCHISON and many others, Senator KYL and others.

We have had large meetings, small meetings, medium-sized meetings. We have had discussions among various groups. I believe we sort of had the outlines of a framework that we could have had a certain number of amendments that we all agreed to that would be voted on. At the same time, we could prevail upon some of our colleagues not to have nongermane amendments.

Unfortunately, the first amendment proposed by the majority leader has to do with tax cuts. Look, I say to my colleagues that I think we have developed a framework where we can move forward with a certain number of germane amendments. All of us appreciate how important this issue is.

I don't see the need for this vote. Cloture will not be invoked. All it will do is embed people in their previously held positions. What we should be

doing is continuing productive negotiations and discussions that we had all during yesterday, put off this cloture vote, and try to come to some agreement in recognition that cyber security is a vital national security issue. We all recognize that. We started out very much poles apart. I think there have been some agreements made which I view as significant progress.

I regret, I say to Senator LIEBERMAN, Senator COLLINS, and all my colleagues, that we are taking this vote when we should be spending our time—at least the rest of the day—setting up a framework that we can address cyber security during the first week we are back in September. But it is what it is.

I thank Senators LIEBERMAN and COLLINS for their willingness to sit down and negotiate. We still have significant differences, but I think those could have been resolved. I hope this vote doesn't have a chilling effect on what I think was progress that was being made.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MCCAIN. On issues of transparency and information sharing and others, there are still differences, but they have been narrowed. Again, I thank my colleagues for their hard work.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, let me add to what Senator MCCAIN has said. We have been working very hard with the sponsors of the bill, Senators LIEBERMAN and COLLINS, who have been receptive and open to our dialog over the last several days and weeks. It is an indication, No. 1, that everybody in this body recognizes the seriousness of this issue, but it is also a recognition of the complexity of this issue. There are about four or five committees of jurisdiction that have a piece of the issue of cyber security and, unfortunately, we didn't go through the regular order of giving all those committees the opportunity to go through the regular markup process. That may or may not have solved some of the issues we are now dealing with. But we are down to the final minutes before a cloture vote.

Unfortunately, I will vote against cloture and I recommend that my colleagues do likewise and that we continue over this break to negotiate on the remaining issues we have. They have been narrowed in number and scope. Both sides are negotiating in good faith because we all understand this is an issue of such critical importance.

The basic philosophical difference we have is that we all seek to protect the private sector from cyber attacks that may have a huge impact on life or on our economy. The issue is, primarily, does the government know better how to do that or does the private sector know better how to protect itself, as we think it does. While we understand the government has a role to play, we have capabilities and capacities within the Federal Government that the private sector doesn't have, and we recognize that. That is why we have been negotiating in good faith to try to find that common ground between the government and the private sector to ensure the protection of the basic critical infrastructure in this country.

I thank the Chair and yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have printed in the RECORD the two letters from which I read in my statement and an article from the Wall Street Journal this morning on this issue.

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

AUGUST 1, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
U.S. Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: The financial services industry, represented by the undersigned organizations, opposes the Cybersecurity Act of 2012 (S. 3414) in its current form. While we strongly support efforts to protect the nation's critical infrastructure from cyber-attacks, this legislation threatens to undermine important cybersecurity protections already in place for our customers and institutions, and misses an opportunity to substantially improve cyber threat information-sharing between the federal government and the private sector.

Our sector recognizes the very real and ongoing threat of cyber-attacks and works very hard to prevent those attacks by constantly updating, and investing heavily in our security systems. We work tirelessly, day and night, to block cyber-attacks, including working with the federal government and other private sectors to share information and design effective ways to mitigate cyber threats. Given this, we believe any legislation passed by the Senate, and eventually enacted into law, must take a balanced approach that builds upon, but does not duplicate or undermine what is already in place and working well in the financial sector. At the same time, it should enhance Cybersecurity protections in areas where they are most needed.

There are several issues and questions raised by the technical language included in the revised bill. For instance, while the sponsors of the legislation have attempted to design a voluntary framework for the designation of ''critical infrastructure,'' the text of the bill would likely create a mandatory regulatory regime that could displace robust efforts already being made in the financial sector to combat the risk of cyber-attacks. Additionally, the government agency ''Council'' created in Title I of the bill to conduct risk assessments, and set best practices for protecting critical infrastructure does not provide a meaningful role for sector-specific agencies that oversee financial institutions. The bill does not recognize the existing security standards and regulations to which financial institutions are subject, including the Gramm-Leach-Bliley Act, nor the regular oversight and examinations conducted by financial regulatory agencies. This opens the door for inconsistent and potentially duplicative regulations that are more than likely to become mandatory for our industry.

Further, the process for designating financial systems as covered critical infrastructure does not provide for meaningful input of financial agencies or the private sector, and this is crucially important for determining what is, in fact, critical and what is not. Finally, we are concerned that the changes made to the Title VII information sharing provisions could actually restrict some forms of important information sharing between the government and private sectors, as well as decrease the current level of information sharing between private entities.

As the Senate considers S. 3414, a legislative proposal we support could be considered as an amendment on the Senate floor; specifically, Amendment #2581 offered by Senators Hutchison and McCain, which encompasses the SECURE IT Act of 2012 (S. 3342). This amendment would provide necessary updates and clarifications to current law that will facilitate and increase cyber intelligence information sharing within the private and public sectors, as well as update the federal information security policy, encourage research and development, and increase criminal penalties. We encourage you to support this amendment, which builds upon our existing regulatory structure, better protecting financial institutions and our customers.

We recognize that more needs to be done to encourage high levels of cybersecurity protection across all sectors deemed critical infrastructure. We would like to continue to work with you and your colleagues in the Senate to pass legislation that accomplishes this goal, while utilizing existing regulatory requirements and ensuring a central role for sector-specific agencies; this would bolster the ongoing efforts of the financial services industry as we continue to improve the effectiveness of our cybersecurity.

We look forward to working with you and your colleagues on this important issue.

American Bankers Association, American Council of Life Insurers, The Clearing House Association, Consumer Bankers Association, Electronic Funds Transfer Association.

Financial Services Information Sharing and Analysis Center (FS-ISAC), The Financial Services Roundtable, NACHA-The Electronic Payments Association, Securities Industry and Financial Markets Association (SIFMA).

NATIONAL ASSOCIATION
OF MANUFACTURERS,
July 25, 2012.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 12,000 members of the National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, I am writing to express the NAM's concern with S. 3414, the Cybersecurity Act of 2012 scheduled to be considered by the Senate this week and reiterate our support for S. 3342, the SECURE IT Act, cybersecurity legislation that includes consensus-based provisions supported by manufacturers.

As currently written, S. 3414 raises significant concerns for our members. While we support increasing information sharing and reducing companies' liability, the legislation unfortunately does not allow manufacturers to share information among themselves and also receive liability protection. It requires companies to share that same information jointly with a new government entity created in the legislation to receive the benefit of liability protection. The creation of a new government-administered program in an agency yet-to-be-named forces unnecessary regulatory uncertainty on the private sector, creates a system that allows for new, overly prescriptive regulations, and is a disincentive to share information.

NAM members are also concerned that owners and operators of critical infrastructure would be subject to cybersecurity assessments by third-party auditors who are granted unfettered access to company information. This provision creates economic uncertainty as manufacturers are concerned that the release of proprietary information

to third parties could actually create new security risks. Manufacturers are already subject to agency and sector-specific regulations and requirements. They have well-developed compliance processes to improve their systems. More government mandates are unnecessary and would quickly become obsolete.

Manufacturers through their comprehensive and connected relationships with customers, vendors, suppliers, and governments are entrusted with vast amounts of data. They hold the responsibility of securing this data, the networks on which it runs, and the facilities and machinery they control at the highest priority level. Manufacturers know the economic security of the United States is directly related to our cybersecurity. The NAM and all manufacturers remain intensely committed to securing our nation's cyberinfrastructure and we look forward to working with you toward this goal.

Sincerely,

DOROTHY COLEMAN,
Vice President,
Tax and Domestic Economic Policy.

[From the Wall Street Journal, Aug. 1, 2012]

CYBER HILL BATTLE

SEARCHING FOR A COMMON SENSE DEFENSE AGAINST A ''DIGITAL PEARL HARBOR''

Every Washington politician and his favorite lobbyist claim to want to shore up America's cyber-defenses. So naturally Congress is mucking up efforts to protect financial systems and power grids from hackers, terrorists or rogue states.

The Senate is due to take up cyber-security legislation this week before its summer recess. The goal ought to be to find common ground with a modest, bipartisan bill passed by the House of Representatives in May. In this instance a delay to work out a compromise in the autumn is preferable to a hasty vote.

The Senate debate so far hasn't been encouraging. The White House supports legislation from Joe Lieberman, the Connecticut Independent, and Maine Republican Susan Collins. Their Cybersecurity Act of 2012 expands government oversight of private networks. Without further substantial changes, the bill has little shot of getting through a House-Senate conference.

John McCain, the Arizona Republican, has offered better alternatives. He wants to give companies a legal avenue to draw on the government's cyber expertise or share information about cyber threats with the FBI or National Security Agency. As in the House's Cyber Intelligence Sharing and Protection Act, this cooperation would be voluntary.

The Lieberman bill brings government compulsion. The Department of Homeland Security—that nimble bureaucracy—would draw up and enforce new ''minimum'' cybersecurity standards for private business. This mandate adds costs for government and the private economy. The same folks who give you invasive airport screening will now poke around IT departments. No wonder the Chamber of Commerce wants Homeland Security to keep its hands off ''our junk,'' so to speak.

Mr. Lieberman has softened some provisions. He dropped a mandate for private facilities to upgrade their cyber-security as prescribed by government. He took out a ''kill switch'' that lets the President shut down the Internet in an emergency. Yet he isn't going to win bipartisan support in both houses as long as any new standards for privately owned technology aren't voluntary.

Heeding the ACLU, the White House and Mr. Lieberman want strict limits on how government agencies can use intelligence garnered through the information-sharing program. Such artificial walls were in place before 9/11, which was why the CIA couldn't tell the FBI about suspected terrorists enrolled in American flight-training schools. The House and McCain versions allow the feds to act on information about, say, Iran's cyber-terror plans.

The White House cited privacy grounds in threatening to veto the House bill. Call us naïve, but we don't see how the voluntary sharing of selective data related to legally defined cyber threats constitutes an Orwellian surveillance program.

The House and McCain cyber-security proposals offer limited solutions to guard against a ''digital Pearl Harbor.'' In a world of fast-changing technology, less is better policy, and in this case it stands a far better chance of becoming the law of the land.

Mr. KYL. Mr. President, all of us recognize the need to strengthen our cyber security defense to protect our defense industrial base, financial sector, and government networks from nation states and independent hackers. GEN Keith Alexander, commander of the U.S. Cyber Command, said that he rates U.S. preparedness at 3 on a scale of 1 to 10. So it is important that Congress act responsibly to get this right.

I voted against invoking cloture on the cyber security bill because I believe cloture was filed too early. This is vast, far-reaching legislation that requires ample consideration time. Two days isn't enough. Moreover, Senators weren't even given a chance to offer amendments to improve the legislation, and the legislation wasn't marked up by a relevant committee.

I believe we can ultimately come together to find enough common ground so that we can pass a bill that can get through a House-Senate conference committee.

We have come a long way since talks began, and the negotiators have spent an enormous amount of time working on two key issues: critical infrastructure and information sharing between the government and the private sector. I am confident the good will exists to work out these differences.

To that end, it is my hope that we who are involved in the bipartisan negotiations can use the month of August to continue. Cyber security isn't a Republican or a Democratic issue. Let's work together to pass a bipartisan bill that the President can sign into law.

Ms. SNOWE. Mr. President, I rise today to express my strong support for finding a path to legislation that will at long last confront our Nation's 21st-century vulnerability to cyber crime, global cyber espionage, and cyber attacks. This legislation has been a long time in the making, and over the last several years I have been privileged to work with colleagues on the Senate Intelligence and Commerce Committees to address some of these consequential matters, including Senator ROCKEFELLER, whom I collaborated with closely on cyber security legislation that passed the Commerce Committee unanimously in 2010; Senator HUTCHISON, who has worked tirelessly with us on these issues as ranking member on the Commerce Committee; Senators MIKULSKI and WHITEHOUSE, with whom I served on the Intelligence Committee's Cyber Security Task Force; Senator WARNER, who has joined me in underscoring the urgency of considering cyber security legislation in a transparent and nonpartisan manner; and Senators LIEBERMAN and COLLINS, who have led the effort to craft this revised cyber security bill.

Nothing less than the very foundation of our national and economic security is at risk, and it is essential that we be prepared to defend against cyber activity that could cause catastrophic damage and loss of life in this country.

Still, some of my colleagues will undoubtedly make poignant and convincing arguments for why this Chamber should delay consideration of a comprehensive cyber security bill—stressing the complexity of the questions involved, the competing jurisdictions, and the many unknowns associated with a medium where innovation in functionality will continue to outpace innovation in security.

However, last fall the National Counterintelligence Executive warned that the rapidly accelerating rate of change in information technology and communications is likely to ''disrupt security procedures and provide new openings for collection of sensitive U.S. economic and technology information.'' In fact, the counterintelligence report cited Cisco Systems studies predicting that the number of devices such as smartphones and laptops in operation worldwide will increase from about 12.5 billion in 2010 to 25 billion in 2015.

Thus, as a result of this proliferation in the number of operating systems connected to the Internet, the Counterintelligence Executive has assessed that ''the growing complexity and density of cyber space will provide more cover for remote cyber intruders and make it even harder than today to establish attribution for these incidents.''

So as I said during the Senate Commerce Committee's bipartisan, unanimous markup of the Rockefeller-Snowe cyber security legislation over 2 years ago in early 2010, when it comes to the threat we face in cyber space, time is not on our side, and this is further evidence of that irrefutable fact.

This Congress could spend another 2 years debating the merits of various approaches and continuing to operate based on a reactive hodgepodge of government directives and bureaucratic confusion. But at the end of the day, the only way to begin preparing our Nation to defend against this emerging threat is to allow the Senate to work its will in a full and unrestrained debate.

In June, Senator WARNER and I urged the Senate's leadership to reach an agreement ensuring cyber security legislation receives an open debate on the Senate floor during the July work period. In calling for a fair amendment process, we in fact were simply repeating the cyber security debate commitment made by the majority leader at

the start of the year when he said that ''it is essential that we have a thorough and open debate on the Senate floor, including consideration of amendments to perfect the legislation, insert additional provisions where the majority of the Senate supports them, and remove provisions if such support does not exist.''

So I welcomed the majority leader's commitment to allow an open amendment process, and I joined my colleagues in voting to invoke cloture on the motion to proceed to the bill. As I have said repeatedly, only a bipartisan agreement will achieve our shared goal of passing cyber security legislation to prevent a devastating cyber attack.

That process must begin now, and as one who has served on the Select Committee on Intelligence for the last decade, I believe it is essential to begin by elucidating the nature of the indisputable threat we now face.

In June 2010, the Intelligence Committee's Cyber Security Task Force, on which I served along with Senators WHITEHOUSE and MIKULSKI, delivered its classified final report illustrating the myriad of challenges to the security of our physical, economic, and social systems in cyber space. I urge my colleagues to review this classified report.

As for some examples we can discuss in an open forum such as this, I encourage my colleagues to read the National Counterintelligence Executive's unclassified report to Congress entitled ''Foreign Spies Stealing U.S. Economic Secrets in Cyberspace.'' The Counterintelligence Executive's report, which was released last fall, is truly the authoritative document when it comes to portraying in detail the nature of the threat and its ramifications on our lives and—increasingly—our livelihoods. s

The report is incredibly eye-opening and represents the first time in which our government has explicitly named China and Russia as the primary points of origin for much of the malicious cyber activity targeting U.S. interests. In fact, the report states that the Governments of China and Russia ''remain aggressive and capable collectors of sensitive U.S. economic information and technologies, particularly in cyberspace'' and it links much of the recent onslaught of computer network intrusions as originating from Internet Protocol addresses in these two countries.

For example, the Counterintelligence Executive's report cites a February 2011 study attributing an intrusion set called ''Night Dragon'' to an IP address located in China. According to the report, these cyber intruders were able to exfiltrate data from computer systems of global oil, energy, and petrochemical companies with the goal of obtaining information on ''sensitive competitive proprietary operations and on financing of oil and gas field bids.'' As the report notes, such activity on behalf of our economic rivals undermines the U.S. economy's ability to ''create jobs, generate revenues, foster innovation, and lay the economic foundation for prosperity and national security.'' And the report estimates that our losses from economic espionage range from ''$2 billion to $400 billion or more a year,'' reflecting the scarcity of data and underscoring how little we currently understand about the total effect these malicious cyber intrusions have on our economic future.

In addition to the threat posed to our Nation's prosperity, the Counterintelligence Executive's report noted that foreign collectors are stealing information ''on the full array of U.S. military technologies in use or under development,'' including marine systems, aerospace and aeronautics technologies used in intelligence gathering and kinetic operations, such as UAVs, and dual-use technologies used for generating energy.

In April, James Lewis of the Center for Strategic and International Studies testified in an unclassified Senate hearing that the delays and cost overruns in the F–35 program may be the result of cyber espionage, which in turn could be linked to the rapid development of China's J–20 stealth fighter. He went on to note that Iran has also been pursuing the acquisition of cyber attack capabilities, noting that FBI Director Mueller has testified that Iran appears increasingly willing to carry out such attacks against the United States and its allies.

As Director of National Intelligence James Clapper remarked during his unclassified testimony to the Select Committee on Intelligence in January, we are observing an ''increased breadth and sophistication of computer network operations by both state and nonstate actors'' and despite our best efforts ''cyber intruders continue to explore new means to circumvent defensive measures.'' To illustrate this point, Director Clapper cited the well-publicized intrusions into the NASDAQ networks and the breach of computer security firm RSA in March 2011, which led to the exfiltration of data on the algorithms used in its authentication system and, subsequently, access to the systems of a U.S. defense contractor.

Consequently, as Director Clapper put it, one of our greatest strategic challenges in the coming years will be ''providing timely, actionable warning of cyber threats and incidents, such as identifying past or present security breaches, definitively attributing them, and accurately distinguishing between cyber espionage intrusions and potentially disruptive cyber attacks.''

As I listened to Director Clapper's assessment of the cyber threat at the Intelligence Committee's annual unclassified worldwide threat hearing this past January, I was reminded of similar statements by several of his predecessors. In fact, on February 2, 2010, then DNI Dennis Blair provided the following cautionary warning:

> This cyber domain is exponentially expanding our ability to create and share knowledge, but it is also enabling those who would steal, corrupt, harm or destroy the public and private assets vital to our national interests. The recent intrusions reported by Google are a stark reminder of the importance of these cyber assets, and a wake-up call to those who have not taken this problem seriously.

Similarly, the preceding year, on February 12, 2009, Director Blair said:

> Over the past year, cyber exploitation activity has grown more sophisticated, more targeted, and more serious. The Intelligence Community expects these trends to continue in the coming year.

As far back as February 5, 2008, then-DNI Michael McConnell warned:

> It is no longer sufficient for the US Government to discover cyber intrusions in its networks, clean up the damage, and take legal or political steps to deter further intrusions. We must take proactive measures to detect and prevent intrusions from whatever source, as they happen, and before they can do significant damage.

It was in response to this cavalcade of wake-up calls and threat briefings that Senator ROCKEFELLER and I, in our role as crossover members of both the Intelligence and Commerce committees, initiated a series of hearings before the Commerce Committee to begin considering proposals for collaborating with the private sector to prevent and defend against attacks in cyber space.

On April 1, 2009, Senator ROCKEFELLER and I introduced one of the first bills aimed at tackling some of our Nation's most vexing challenges when it comes to this issue. Our legislation, the Cybersecurity Act of 2010, was meant to focus the Senate's efforts on several key priorities, including conducting risk assessments to identify and evaluate cyber threats and vulnerabilities, clarifying the responsibilities of government and private sector stakeholders by creating a public-private information sharing clearinghouse, and investing in cyber research and development to expand activities in critical fields like secure coding, which is indispensable in minimizing our vulnerability to cyber intrusions. Our bill also sought to expand efforts to recruit the next generation of ''cyber warriors'' to implement these defenses through the creation of a cyber scholarship-for-service program.

Our cyber security bill was one of the first attempts to confront our vulnerabilities in cyber space, and with approximately 90 percent of the Nation's digital infrastructure controlled by private industry, we made a concerted effort to collaborate with businesses and ensure our bill incorporated input from experts covering the complete spectrum of this issue. Along the way Senator ROCKEFELLER and I have worked together closely, holding meetings with the White House Cyber Security Coordinator, conducting hearings at the Commerce Committee with experts like James Lewis of the Center for Strategic and International Studies

and former Director of National Intelligence Mike McConnell, and collaborating on a Wall Street Journal op-ed entitled ''Now Is the Time to Prepare for Cyberwar.''

As a result, our legislation was marked up in a unanimous, bipartisan effort by the Commerce Committee in 2010. Moreover, our proposal received praise from a major telecommunications industry leader who said our 2009 bill ''puts the nation on a much stronger footing'' to confront the cyber threat and a leading telecom association, which said that ''passage of the Rockefeller-Snowe Cybersecurity Act is a necessary and important step in protecting our national infrastructure.''

Additionally, in February 2011, following the Egyptian Government's attempt to quell public protests by denying access to the Internet, I pledged to oppose so-called ''Internet kill switch'' authority here in the United States. Consequently, I was pleased when earlier this year Senators on both sides of the aisle joined me in protecting critical first amendment rights by agreeing to reject any provisions that could be construed as giving our government new authority to restrict access to the Internet.

Thus, although I am not a cosponsor of the legislation before the Senate, I recognize that this proposal reflects many of the core ideas first offered by Senator ROCKEFELLER and I in 2009, and I commend my colleagues for working with us over the last few years to ensure that these essential provisions were made part of the revised cyber security legislation.

Specifically, I support steps taken in the revised bill that require collaboration between the government and the private sector to share information about cyber threats and identify vulnerabilities to protect networks. Such information sharing and sector-by-sector cyber risk assessments were a fundamental part of the Rockefeller-Snowe bill in 2009. Likewise, I support provisions establishing an industry-led—rather than government-led—process for identifying best practices, standards, and guidelines to effectively remediate or mitigate cyber risks, with civil liability protection for those owners and operators of critical infrastructure who have implemented these standards. And I support the cyber outreach, awareness, recruitment, and workforce development provisions that were an essential component of our original bill.

That being said, the private sector is rightly concerned about the prospect of over-regulation by the Federal Government. Specifically, many of my colleagues on the Republican side of the aisle have expressed concerns that passage of a comprehensive cyber security bill could lead to more government redtape, stifling innovation and impeding growth.

Yet I firmly believe these are not insurmountable challenges, and I am optimistic that there is tremendous potential for the Senate to forge a viable solution that incentivizes private sector participation and collaboration.

Although the revised bill takes steps to incentivize the adoption of voluntary cyber security practices, many continue to voice concerns when it comes to the provisions governing ''covered critical infrastructure,'' or in other words, those information systems for our transportation, first responders, airports, hospitals, electric utilities, water systems, and financial networks whose disruption would interrupt life-sustaining services, cause catastrophic economic damage, or severely degrade national security.

I support an effort to raise the bar when it comes to cyber security standards for our most critical, life-sustaining systems. Yet in order to pass a bill that has the momentum to become law, we absolutely must find some middle ground with those who have raised valid concerns about the potential of over-regulation by the Federal Government.

For example, I have heard concerns from the private sector that subsection 103(g) of the revised bill may cause confusion and has led many to believe that the voluntary rules will eventually be forced upon companies who may already have strong security practices in place. Specifically, this subsection mandates that all Federal agencies with responsibilities for regulating critical infrastructure must submit an annual report justifying why they have not acted to make the voluntary standards proposed through this legislation mandatory within their jurisdiction. To remove any confusion about the intent of the bill, I am working with Senator WARNER and several of my colleagues on straightforward language to clarify that nothing in the bill should be construed to increase, decrease, or otherwise alter the existing authority of any Federal agency when it comes to the security of critical cyber infrastructure.

Likewise, I share some of my colleagues' concerns that provisions designed to bolster the Department of Homeland Security's role in managing efforts to secure and protect critical infrastructure networks could lead to an unsustainable DHS bureaucracy. Such provisions were not part of the original Rockefeller-Snowe bill, which took a different approach by creating a Senate-confirmed National Cybersecurity Adviser within the Executive Office of the President.

Yet, again, this hurdle is not insurmountable—and I welcome the establishment of the National Cybersecurity Council in the revised bill as an interagency body with members from the Departments of Commerce, Defense, Justice, the Intelligence Community, and other appropriate Federal agencies—in addition to DHS—to assess risks and ensure the primary regulators for each critical system are involved in any final decision.

Furthermore, I remain concerned that the bill lacks specific provisions to assist small businesses in complying with any new cyber security standards adopted by Federal agencies with responsibilities for regulating the security of critical infrastructure. Small businesses remain the primary job creators in this country, responsible for more than two-thirds of all new jobs created. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have advocated tirelessly for targeted regulatory reform because there is no doubt that regulations are stifling small business. Small firms with fewer than 20 employees bear a disproportionate burden of complying with Federal regulations. These small firms pay an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

In response, I have proposed several amendments to ensure the Small Business Administration and other constructive stakeholders are involved in analyzing the implications of cyber security performance standards on small businesses and recommending options for mitigating any costs or unnecessary burdens. And I have filed an amendment that would identify the challenges that prevent the Federal Government from leveraging the capabilities of small businesses to perform classified cyber security work and to develop security-cleared cyber workers.

I have also filed amendments that ensure sector specific regulators have the technical resources and staffing to adequately address cyber threats facing their industry and that focus research efforts on promising technologies that will secure our wireless infrastructure. Additionally, I have joined my colleague, Senator TOOMEY, in offering an amendment that would implement a national data security breach standard to simplify compliance for businesses and notifications to consumers to reduce undue burden and confusion. More than 540 million records have been reported breached since 2005 according to the Privacy Rights Clearinghouse, and research from Symantec estimates the average organizational cost of a breach is approximately $5.5 million.

Finally, I have filed an amendment to prohibit our government from signing new trade agreements with countries that have been identified by the National Counterintelligence Executive as using cyber tools to steal our trade secrets and threaten our economic security. It is time to send the message that these malicious activities will come with a price, and I view this as a sound and practical means of deterrence.

So again let me reiterate the imperative fact that time is not on our side. As former Secretary of Homeland Security Michael Chertoff and several of his intelligence community and defense colleagues recently wrote in a letter to our Senate leadership, the

risk of failing to act on comprehensive cyber security legislation is ''simply too great considering the reality of our interconnected and interdependent world, and the impact that can result from the failure of even one part of the network across a wide range of physical, economic and social systems.''

Therefore, as I wrote in a letter to the majority and minority leaders in June, ''given the nature of the threat we face . . . it is essential that we not miss an opportunity to consider cyber security legislation in a non-partisan manner and pass a bill that has the momentum to become law.''

Now is the moment to prove that the Senate is capable of forging a viable solution to address what Director Clapper called ''a critical national and economic security concern.'' I welcome this debate on what I view as one of the defining national security challenges of our generation, and I urge my colleagues to join me in working for passage of comprehensive cyber security legislation.

Mr. AKAKA. Mr. President, today I wish to urge my colleagues to allow an up-or-down vote on the Cybersecurity Act of 2012, S. 3414, and to support my amendment to further strengthen the privacy safeguards in this important legislation.

National security experts from both parties have warned us about the very serious danger of a major cyber attack. It is not a matter of if, but when it will occur. As someone who witnessed the attack on Pearl Harbor and was in Washington, DC, on September 11, 2001, it is frightening to know that in our modern world where much of our critical infrastructure and security systems are controlled by computers, a successful attack on a critical system could lead to more loss of life, injury, and damage than those terrible events. We have a moral duty to act immediately. That is why I urge my colleagues to put partisan differences aside and pass the Cybersecurity Act of 2012 for the safety of our Nation.

As a senior member of the Senate Homeland Security and Governmental Affairs Committee, I know that Chairman LIEBERMAN and Ranking Member COLLINS have been working diligently for several years to get this bill to the floor for a vote. Commerce Committee Chairman ROCKEFELLER and Intelligence Committee Chairman FEINSTEIN have also been working tirelessly to advance this legislation. While I continue to support the even stronger critical infrastructure protections in the original cyber security bill introduced in February, I accept the revisions the bill sponsors have made to accommodate concerns raised by several of my colleagues.

I want to thank the bill sponsors for working with me during this lengthy process to make improvements to the legislation. In order for our country to have robust cyber security capabilities, we must have a talented and well-trained cyber workforce. I am pleased that the bill incorporates my recommendations to strengthen title IV of the bill, which provide the necessary tools to build a first-class cyber workforce while maintaining employee and whistleblower protections. Furthermore, these workforce provisions establish a supervisory training program that will help managers properly evaluate their cyber employees.

I also want to commend the sponsors for the marked improvement of the underlying privacy and civil liberties protections in the bill. I collaborated with Senators FRANKEN, DURBIN, WYDEN, SANDERS, COONS, and BLUMENTHAL to strengthen protections in the information-sharing provisions of the bill, which allow companies to share cyber security information with each other and the government. We worked with privacy and civil liberties groups from across the political spectrum on a series of recommendations, most of which were accepted by the bill's sponsors.

With these changes, the privacy and civil liberties protections in the Cybersecurity Act are much better than the protections contained in the Cyber Intelligence Sharing and Protection Act that recently passed the House, and the SECURE IT Act that has been introduced in the Senate. However, I am still pushing for further improvements to enhance the privacy and civil liberties protections in the Cybersecurity Act.

I have offered an amendment that seeks to strengthen the underlying legal framework protecting Americans' personal information held in the computer systems that the Cybersecurity Act seeks to protect. My amendment will close loopholes in Federal privacy requirements, centralize Federal oversight of existing privacy protections, and reinstate basic remedies for privacy violations. My amendment, which reflects input from the bill's sponsors, would make four small changes that would have significant benefits to American's privacy and data security.

First, my amendment would address Federal agencies' uneven implementation of Office of Management Budget, OMB, guidance on preventing breaches of private information and notifying affected individuals when they do occur. In testimony this week before the Oversight of Government Management Subcommittee that I chair, we learned that the agency that oversees the Thrift Savings Plan, TSP, had no breach notification plan in place at the time of the recent breach involving 123,000 participating Federal employees. Specifically, my amendment would strengthen data breach notification requirements for Federal agencies by directing OMB to establish requirements for agencies to provide timely notification to individuals whose personal information was compromised. It would require agency heads to comply with the policies, and mandate that OMB report to Congress annually on agencies' compliance.

Second, my amendment would provide basic transparency when agencies rely on commercial databases. Agencies frequently use private sector databases for law enforcement and other purposes that affect individuals' rights, but this is not covered by Federal privacy laws. My amendment would require agencies to conduct privacy impact assessments on agencies' use of commercial sources of Americans' private information so that individuals have appropriate protections such as access, notice, correction, and purpose limitations.

Third, my amendment would fill a hole in the government's privacy leadership. Despite OMB's mandate to oversee privacy policies government-wide, it lacks a chief privacy officer. As a result, responsibility for protecting privacy is fragmented and agencies' compliance with privacy-related statutes and regulations is inconsistent. Furthermore, the administration lacks a representative on international privacy issues. My amendment would direct OMB to designate a central officer within OMB who would have authority over privacy across the government. This officer would also be responsible for assessing the privacy impact of the new information-sharing provisions in the cyber security bill.

Finally, it would address the Supreme Court's ruling restricting Privacy Act remedies earlier this year that has by many experts' accounts rendered the Privacy Act toothless. In Federal Aviation Administration v. Cooper, the Social Security Administration violated the Privacy Act by sharing the plaintiff's HIV status with other Federal agencies. The Court concluded that the plaintiff could not recover damages for emotional distress because Privacy Act damages are limited to economic harm. My amendment would heed the call of scholars across the political spectrum to amend the Privacy Act and fix this decision. It would also clarify that in the event of a Federal violation in the information-sharing title of the bill, a victim would be entitled to recovery for the same types of noneconomic harms.

My amendment will further strengthen the privacy and civil liberties protections in the cyber security bill while enhancing the security of personal information held by the Federal Government. I urge my colleagues to allow an up-or-down vote on the Cybersecurity Act, which is so critical to our Nation's safety, and to support my amendment.

Mr. LEAHY. Mr. President, today, the Senate will conclude debate on the Cybersecurity Act of 2012, S. 3414. Developing a comprehensive strategy for cybersecurity is one of the most pressing challenges facing our Nation. I commend President Obama for his commitment to addressing this national security issue. I also commend the majority leader and the bill's sponsors for their work on this pressing matter.

I share the President's view that updates to our laws are urgently needed

to keep pace with the many threats that Americans face in cyberspace. For that reason, I will support the motion for cloture on this bill. But, I do so with major reservations about the bill in its current form because this legislation does not address many of the key priories that must be a part of our national strategy for cybersecurity.

A legislative response to the growing threat of cyber crime must be a part of our debate about cyber security. Protecting American consumers and businesses from cyber crime and other threats in cyber space is a top priority of the Judiciary Committee. That is why I filed an amendment to the bill to strengthen our Nation's cyber crime laws, which takes several important steps to combat cyber crime. The amendment, among other things, updates the Federal RICO statute to add violations of the Computer Fraud and Abuse Act to the definition of racketeering activity; strengthens the legal tools available to law enforcement to protect our Nation's critical infrastructure by making it a felony to damage a computer that manages or controls national defense or other critical infrastructure information; and streamlines and enhances the penalty structure under the Computer Fraud and Abuse Act. This cyber crime amendment incorporates many of the proposals that were recommended in the cyber security proposal that President Obama delivered to Congress last May. The Judiciary Committee favorably reported these proposals in September as part of my Personal Data Privacy and Security Act. These updates to our criminal laws are urgently needed to keep pace with the cunning of cyber thieves and the many emerging threats to American's safety in cyber space. These measures must be included in any cyber security legislation the Senate considers.

In the digital age, we must also update our digital privacy laws so that Americans will have better safeguards for their electronic communications. That is why I filed an amendment to the bill that makes commonsense updates to two vital digital privacy laws that I authored several years ago—the Video Privacy Protection Act, VPPA, and the Electronic Communications Privacy Act, ECPA. The amendment would update the Video Privacy Protection Act to permit consumers to provide a one-time consent for video service providers to share their video viewing information with third parties via the Internet. This update will help the VPPA keep pace with how most Americans view and share videos today—on the Internet—while also requiring that video service providers provide clear and conspicuous notice that the consent to share video viewing information can be withdrawn at anytime. The amendment also updates the Electronic Communications Privacy Act to prohibit service providers from voluntarily disclosing the contents of Americans' e-mails or other electronic communications to the Government, unless the Government obtains a search warrant based on probable cause. There are appropriate exceptions to this prohibition under current law, including when a customer provides consent or when disclosure to law enforcement is necessary to address certain criminal activity. I am also mindful of the need to ensure that law enforcement can do their jobs effectively. The safeguards and exceptions in this provision were designed to ensure that appropriate privacy protections do not undermine the ability of law enforcement to keep us safe.

I also filed a bipartisan amendment to promote cyber research and development in Vermont and elsewhere across the Nation. This amendment improves section 301 of the bill by clarifying that the White House's Office of Science and Technology Policy's new test bed program should build upon existing work on cybersecurity test beds by the Department of Homeland Security in its Science and Technology Directorate. The amendment also expands the proposed test beds program to include funding for the military academies and senior military colleges to participate. Senator HOEVEN joined me in proposing this improvement to the bill, and we both believe that it is important for these institutions, which have such a prominent role in cultivating the next generation of security leaders, to develop tools to combat the next generation's security threats.

Comprehensive cyber security legislation must also respond to the alarming number of data security breaches that threaten the privacy and security of American consumers and businesses today. The troubling data breaches at Sony, Epsilon, and Lockheed are recent reminders that new tools are needed to protect us from the growing threats of data breaches and identity theft. In May 2011, the Obama administration submitted a data breach proposal that adopted the carefully balanced framework of data privacy and security legislation that I have introduced—and that this Judiciary Committee has favorably reported—several times. My data breach amendment would establish a single nationwide standard for data breach notification. My data security amendment would require that companies that maintain databases with Americans' sensitive personal information establish and implement data privacy and security programs, so that data breaches do not occur in the first place. I filed these amendments because Congress must address the threat of data security breaches and make these long overdue privacy protections available to American consumers and businesses.

The threats to our privacy and security in cyber space are real, and these threats will not go away simply because the Congress fails to act. I lament the fact that a long-overdue debate on cybersecurity legislation has become embroiled in a partisan stalemate. While there are legitimate differences on how we must confront this threat, Democrats, Republicans, and Independents alike are put at risk if we do not do so. We must find a way to work together to confront this national challenge. I hope we will see more progress on overcoming differences on this issue in the weeks ahead. I also hope the sponsors of this bill will include the priorities I have outlined as part of any future comprehensive cyber security bill. Again, I commend the President and all Senators on both sides of the aisle who have worked to address this important issue. I also thank the many privacy, civil liberties, and technology organizations that have supported my amendments to this bill.

I ask that a copy of three letters I have received in support of several of my amendments to the bill be printed in the RECORD following my full remarks.

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

Hon. HARRY REID,
Senate Majority Leader.
Hon. MITCH MCCONNELL,
Senate Minority Leader.

DEAR LEADER REID AND LEADER MCCONNELL: as the Senate considers cybersecurity legislation, we urge you to make in order and to support an amendment that Chairman Leahy has introduced that would update a key privacy law that is critical to business, government investigators and ordinary citizens.

Chairman Leahy's amendment #2580 addresses the Electronic Communications Privacy Act (ECPA), a law that Chairman Leahy himself wrote and guided through the Senate in 1986. ECPA was a forward-looking statute when enacted. However, technology has advanced dramatically since 1986, and ECPA has been outpaced.

As a result, ECPA is a patchwork of confusing standards that have been interpreted inconsistently by the courts, creating uncertainty for service providers, for law enforcement agencies, and for the hundreds of millions of Americans who use mobile phones and the Internet. Moreover, the Sixth Circuit Court of Appeals has held that a provision of ECPA is unconstitutional because it allows the government to compel a service provider to disclose the content of private communications without a warrant.

Chairman Leahy's amendment would make it clear that, except in emergencies, or under other existing exceptions, the government must use a warrant in order to compel a service provider to disclose the content of emails, texts or other private material stored by the service provider on behalf of its users.

Chairman Leahy's amendment would create a more level playing field for technology. It would cure the constitutional defect identified by the Sixth Circuit. It would provide clarity and certainty to law enforcement agencies at all levels, to business and entrepreneurs, and to individuals who rely on online services to create, communicate and store personal and proprietary data. These protections for content are consistent with an ECPA reform principle advanced by the Digital Due Process coalition, www.digitaldueprocess.org, a broad-based coalition of companies, privacy groups, think tanks, and academics.

For Internet and communications companies competing in a global marketplace, and

for citizens who have woven these technologies into their daily lives, as well as for government agencies that rely on electronic evidence, the protections for content in the Leahy amendment would represent an important step forward for privacy protection and legal clarity.

While the signatories to this letter have very diverse views on the cybersecurity legislation, and some take no position on the legislation, we urge you to make the Leahy amendment #2580 in order and to support it when offered.

Sincerely,

Adobe; American Booksellers Foundation for Free Expression; Americans for Tax Reform; Association for Competitive Technology; American Library Association; Association of Research Libraries; Bill of Rights Defense Committee; Business Software Alliance; CAUCE North America; Center for Democracy & Technology; Center for Financial Privacy and Human Rights; Center for National Security Studies; Citizens Against Government Waste; Competitive Enterprise Institute; Computer and Communications Industry Association; The Constitution Project; Data Foundry; Distributed Computing Industry Association; eBay; EDUCAUSE; Engine Advocacy; FreedomWorks; Liberty Coalition; Newspaper Association of America; Microsoft; Neustar; Personal; Salesforce; Sonic.net; SpiderOak; Symantec; TechFreedom; TechAmerica; TRUSTe; U.S. Policy Council of the Association for Computing Machinery.

SEPTEMBER 21, 2011.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND GRASSLEY: The undersigned individuals and organizations wrote last month in support of making changes to the Computer Fraud and Abuse Act to ensure that it is both strong and properly focused. We mentioned that while the CFAA is an important tool in the fight against cybercrime, its current language is both overbroad and vague. It can be read to encompass not only the hackers and identity thieves the law was intended to cover, but also actors who have not engaged in any activity that can or should be considered a ''computer crime.'' We write again today to express our appreciation for recent action taken by the Committee on the Judiciary to address our concerns.

Last week, at a markup of Chairman Leahy's Personal Data Privacy and Security Act of 2011 (S. 1151), Senator Grassley, with the co-sponsorship of Senators Franken and Lee, introduced an amendment that would fix a large part of the overbreadth problem in the CFAA. In particular, the amendment would remove the possibility that the statute could be interpreted to allow felony prosecutions of ''access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized.'' The amendment passed with bipartisan support, including that of Chairman Leahy himself.

As we noted in our previous letter, our concerns about overbroad interpretations of the existing language are far from hypothetical. Three federal circuit courts have agreed that an employee who exceeds an employer's network acceptable use policies can be prosecuted under the CFAA. At least one federal prosecutor has brought criminal charges against a user of a social network who signed up under a pseudonym in violation of terms of service.

These activities should not be ''computer crimes'' any more than they are crimes in the physical world. If, for example, an employee photocopies an employer's document to give to a friend without that employer's permission, there is no federal crime (though there may be, for example, a contractual violation). However, if an employee emails that document, there may be a CFAA violation. If a person assumes a fictitious identity at a party, there is no federal crime. Yet if they assume that imaginary identity on a social network that prohibits pseudonyms, there may again be a CFAA violation. This is a gross misuse of federal criminal law. The CFAA should focus on malicious hacking and identity theft and not on criminalizing any behavior that happens to take place online in violation of terms of service or an acceptable use policy.

We believe that the Grassley/Franken/Lee amendment is an important step forward for both security and civil liberties. We commend the Ranking Member for introducing the amendment and the Chairman for supporting it. We would also support further changes to the language in the bill to ensure that government employees are given the same protections from criminal prosecution as their private sector counterparts. Changes such as these will strengthen the law and focus the justice system on the malicious hackers and online criminals who invade others' computers and networks to steal sensitive information and undermine the privacy of those whose information is stolen.

Sincerely,

Laura W. Murphy, Director, Washington Legislative Office, American Civil Liberties Union; Kelly William Cobb, Executive Director, Americans for Tax Reform's Digital Liberty; Leslie Harris, President and CEO, Center for Democracy & Technology; Fred L. Smith, President, Competitive Enterprise Institute; Marcia Hofmann, Senior Staff Attorney, Electronic Frontier Foundation; Charles H. Kennedy, Partner, Wilkinson, Barker, Knauer, LLP; Wayne T. Brough, Ph.D., Chief Economist and Vice President, Research, FreedomWorks Foundation; Orin S. Kerr, Professor of Law, George Washington University; Paul Rosenzweig, Visiting Fellow, The Heritage Foundation; Berin Szoka, President, TechFreedom.

TECHAMERICA,
Washington, DC, July 30 2012.

Re U.S. Senate Proposed Cybersecurity Legislation

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH A. MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of TechAmerica, thank you for your leadership in making cybersecurity a national priority. We share your goal of enhancing our nation's cybersecurity posture in response to growing cyber threats. TechAmerica believes that any final bi-partisan agreement should both preserve the vitality of innovation and promote the Information & Communication Technology sector's ability to respond to constantly evolving cyber threats. With these goals in mind, we are writing to provide our insights on S. 3414, the Cybersecurity Act of 2012, and additional elements for the Senate's consideration as part of a final cybersecurity package designed to help meet our national security challenges.

TechAmerica and its members are dedicated to maintaining and expanding the partnership between the private sector and the government to address our nation's cybersecurity preparedness. We have spent much time over the last six years focusing on these critical issues, working closely with Congress and the Administration on addressing threats to our nation's cybersecurity. Any final cybersecurity measure passed by the Senate must be firmly grounded in a strong public private partnership.

We believe that legislation, if not done carefully, could do more harm than good. Specific mandates generally do not adapt as quickly as threat and technology landscapes change, so they can actually hinder industry's ability to innovate and effectively mitigate threats. Mandates affect industry's ability to design, develop and deploy technology. S. 3414 represents a clear step forward towards a workable framework that strikes the right balance by prioritizing our nation's cybersecurity with an outcome based approach of voluntary incentives rather than through prescriptive regulatory mandates.

As the Senate prepares to consider S. 3414, The Cybersecurity Act of 2012, as the underlying bill to comprehensive cybersecurity legislation, we wish to convey our strong support of several critical components that would immediately enhance our cybersecurity posture. Specifically, TechAmerica endorses the following provisions of S. 3414 to address our country's critical cybesecurity priorities:

Title—Federal Information Security Management Act (FISMA) Reform: The paper-based, compliance regime that exists under the current FISMA framework is time consuming and costly. This outdated system has not demonstrated a requisite increase in security of government systems. In response to a rapidly evolving threat environment, our federal information security practices must be updated to reflect a risk-based and continuous monitoring approach as proposed by Senator Carper in Title II of S. 3414.

Title III—Research and Development: Investing in research and development (R&D) is essential to protecting critical systems and enhancing the cybersecurity for both the government and the private sector. We support Title II, which would create a national cybersecurity R&D plan to help develop game-changing technologies that will neutralize attacks on the cyber systems of today and lay the foundation to meet the challenges of securing the cyber systems of tomorrow.

Title IV—Education, Workforce, and Awareness: Industry and government must work together to plan for the future by investing in cybersecurity education to develop the next generation of cybersecurity workers. We support Title IV, which encourages cybersecurity professional development and improving public awareness of cybersecurity risks from identity theft to cyber predators and fraudsters.

Title V—Federal Acquistion Risk Management Strategy: We support Title V, which calls for a comprehensive acquisition risk management strategy to address risks and threats to the information technology products and services in the federal government supply chain. This strategy will allow agencies to make informed decisions when purchasing IT products and services. Importantly, the bill requires specific and much needed training for the federal acquisition workforce to enhance the security of federal networks.

Title VI—International Cooperation: Cybercrimes are borderless, and we must work with our international partners to combat this threat. Title VI will help provide for enhanced cyber response capacity in countries currently without adequate resources to combat cybercrime, as well as use

of existing legal mechanisms to further international cooperation. We support Title VI, which includes S. 1469, The International Cybercrime Reporting and Cooperation Act, sponsored by Senators Hatch and Gillibrand.

TechAmerica is confident that these core components alone would immediately and substantially improve America's cybersecurity posture. Congress cannot afford to delay any longer on the passage of these critical provisions considering the potential risk of falling behind our cyber adversaries.

In an effort to provide the Senate with our collective expertise, we are also compelled to outline for you those aspects of the legislation that we believe require further refinement in order for it to receive our overall support as a final cybersecurity proposal. These provisions include:

Title I—Public Private Partnership to Protect Critical Infrastructure: Rather than mandating that critical infrastructure organizations comply with a DHS cybersecurity framework, the newly introduced bill offers a vast, important improvement by providing incentives to organizations that voluntarily comply with cybersecurity best practices. While we commend this positive direction, TechAmerica recommends further refining the following provisions of Title I.

National Cybersecurity Council—In the spirit of a true public-private partnership, industry should be represented by the Sector Coordinating Councils (SCCs) in an official capacity on the National Cybersecurity Council. Best practices and voluntary standards should be industry driven and developed in conjunction with NIST. The Council should not have the ability to unilaterally overrule the SCCs proposed best practices. Alternatively, we therefore propose a conciliatory dispute resolution process.

Inventory of Critical Infrastructure—We recommend that each sector be differentiated and recognized for current cybersecurity best practices employed in securing critical infrastructure. Information technology is not only a specific sector, but an underlying component of multiple industry sectors. For this reason, we strongly support preserving the current back-end limitation on commercial information technology products.

Voluntary Cybersecurity Best Practices—We urge the sponsors to strike any reference to the term ''mandatory'' in the text to ensure this framework is truly voluntary in nature and not a precursor to future regulatory action.

Voluntary Cybersecurity Program for Critical Infrastructure—TechAmerica requests inserting liability protection language that will prevent compensatory damages, a cap on damages for vicarious liability, and bar punitive damages.

Protection of Information—While we strongly support the protection of information found in Section 106, we are concerned by some of the additional, extraneous mechanisms introduced as part of that protection. Such elements of the proposal act as a clear disincentive to private companies joining a voluntary system in good faith out of concern for future audit and investigation.

Title VII—Information Sharing: The inability to share information is one of the greatest challenges to collective efforts toward improving our cybersecurity, and we appreciate the efforts by the sponsors of S. 3414 to remove those barriers in order to foster better information sharing between the government and the private sector. We believe that information sharing is a fundamental component of S. 3414, as it will better enable collaboration in defense of cyber-attacks while ensuring strong privacy protections. TechAmerica recommends refining the following provisions of S. 3414 in Title VII.

Affirmative Authority to Monitor and Defend Against Cybersecurity Threats—S. 3414 significantly narrows the scope of ''monitoring'' activities permissible under previous bill iterations to the scrutiny of a specific list of ''cyber threat indicators.'' Previously proposed language had allowed companies to monitor for cybersecurity threats, which were defined more generally as unauthorized access or exfiltration, manipulation, or impairment to the network or data. It isn't clear that industry's standard monitoring systems can be tailored enough to fit within the parameters of the more specific list as some threats are not categorized until after they are detected through system alerts. In addition, Title VII in its current form limits how an entity may use cyber threat information that it obtains from its own monitoring. This is a significant limitation to put on entities and does not seem justified. The laundry list approach used to define cyber threat indicators potentially limits the use of some techniques tailored to protect networks. It is problematic that this definition is linked to monitoring authority. Finally, we believe that the definition of countermeasures should be narrowed.

Voluntary Disclosure of Cybersecurity Threat Indicators Among Private Entities—Business to business information sharing is an important practice in preventing cyber threats. We recommend striking the reasonably likely standard provision in this Title. It is a difficult test to meet and one that will only discourage private information sharing. Also, we believe that more business to business information sharing would be possible with the inclusion of the same limited liability protection that a private entity would receive when sharing information with the newly created government exchange.

In closing, TechAmerica urges the Senate to act on and pass the following legislative measures which may possibly be offered as amendments to S. 3414, The Cybersecurity Act of 2012:

Cybercrime: TechAmerica urges the Senate to pass S. 2111, The Cyber Crime Protection Security Act, sponsored by Senator Leahy. This measure will provide the government with new tools to prosecute more effectively organized criminal activity involving computer fraud. The legislation will also streamline and enhance the criminal penalties for computer fraud, and address cybercrime involving the trafficking of consumers' online passwords.

Electronic Communications Privacy: TechAmerica supports, S. 1011, The Electronic Communications Privacy Amendments Act, sponsored by Senator Leahy which would update the 1986 ECPA statute to give information stored in the cloud the same level of protection afforded to information stored locally.

Data Breach Notification: TechAmerica has long supported passage of a strong, national data breach notification law and has endorsed S. 1207, the Data Security and Breach Notification Act, sponsored by Senators Rockefeller and Pryor as the approach consistent with our principles on data breach notification. Establishing a national framework to promote on-going data security measures and consistent breach notification standards will provide much needed guidance, predictability, and certainty for consumers, consumer protection authorities, and businesses, and will replace the complex patchwork of state data breach laws with a uniform national standard.

As you and your colleagues attempt to find bi-partisan consensus on a final cybersecurity agreement, we urge you to carefully consider sustaining the innovative capacity of our information and communications systems and all the myriad activities that they enable, and to thus observe the important axiom, ''first, do no harm.'' Cybersecurity is a multi-faceted and complex ecosystem with profound interdependencies; thus even well intended legislation in this area often has the potential to produce many unintended consequences. Without such rigorous review and consultation, legislation could possibly potentially violate this cardinal principle and risk setting us back in our collective efforts to bolster our nation's cybersecurity.

Thank you again for considering our views and for your continued efforts to enhance our nation's cybersecurity. As representatives of the nation's leading information and communications technology firms, TechAmerica remains strong in our resolve to continue working together with the Senate and the House to improve the security of our shared cyberspace.

Sincerely,

SHAWN OSBOURNE,
President and CEO.

Mr. MCCAIN. Mr. President, I rise today to oppose cloture on the Cybersecurity Act of 2012.

Are any of us surprised that we find ourselves in this situation—again? Is this the ''open amendment'' process we were all promised? As I said earlier this year, a bill as complex as cyber security legislation can only be achieved if it goes through the regular committee process. Had this bill been subjected to the proper committee process, instead of relying on Senate rule XIV, I believe we would have had a much stronger legislative product that would have attracted broader support. Instead, the blame game, which is the first sign of a stalled legislative process, is in full swing.

As of yesterday afternoon it was my understanding that we would continue to work throughout August to find a compromise on this legislation. As a backstop to prepare for the possibility that an agreement would not be reached during that time, we requested a tranche of 10 to 15 placeholder amendments be set aside to address a defined set of issue areas we had with the current bill. In exchange for these process concessions, our group was willing to support cloture.

The unfortunate reality is that we had time to conduct proper legislative hearings and hold committee markups. But rather than choose the customary process, which forces us to defend our points of view, build consensus around ideas and, admittedly, requires more planning and hard work, a less transparent approach was taken. That approach, while at the time may have seemed more legislatively convenient, resulted in hurried, last-minute negotiations that have been doomed from the outset. Rarely does anything good get accomplished under these circumstances, which lack transparency and scrutiny. This should serve as a warning to both sides of the aisle and future congresses that attempts to side-step the legislative process are risky, often unproductive, and do not bypass the criticism they seek to avoid.

And while all of us recognize the importance of cyber security, we should

not confuse opposition to this deeply flawed bill as a sign of somehow being unwilling to address the issue. It has been my experience that when dealing with matters of national security and domestic policy, and in this bill is at the nexus of both, it is more important to work to get something done right than just work to get something done. And while both efforts may result in enough material to create a headline, only one fulfills our purpose for being here in this body.

Time and again, we have heard from experts about the importance of maximizing our Nation's ability to effectively prevent and respond to cyber threats. We have all listened to these accounts. This cyber threat and the risk of an attack only increased when the Stuxnet leaks began recklessly coming out of this administration. And while this threat and others persist, the most important piece of legislation which the congress can pass when it comes to ensuring our national security, the National Defense Authorization Act, which includes cyber security elements, remains unfinished. This entire process feels more like a ploy to advance the fiction that we are focused on national security, while avoiding the fulfillment of one of the Congress's most important national security responsibilities—the passage of the National Defense Authorization Act.

The point is that debating a controversial and flawed bill—a bill of such 'significance' that it has languished for over 5 months at the Homeland Security and Government Affairs Committee, with no committee markup or normal committee process—should not have taken precedence over a bill which was vetted over a period of 4 months by the Senate Armed Services Committee and reported to the floor with the unanimous support of all 26 members. Unfortunately, our current trajectory will likely leave us without a cyber security bill or the National Defense Authorization Act.

As I have said time and time again, the threat we face in the cyber domain is among the most significant and challenging threats of 21st-century warfare. But this bill unfortunately takes us in the wrong direction and establishes a new national security precedent which fails to recognize the gravity of the threats we face in cyber space. I agree that we must take appropriate steps to ensure that civil liberties are protected and believe we could have appropriately done so without removing the only institutions capable of protecting the United States from a cyber attack from counties like China, Russia, and Iran—from the front lines. Making these entities more reliant on their less capable civilian counterparts is an unacceptable, precedent setting approach, which fails to recognize the unique real-time requirements for understanding the threat environment, anticipating attacks, and responding when necessary.

Additionally, what is not being discussed enough are the likely implications of the new cyber security stovepipes being proposed in this bill. The recreation of the very walls and information sharing barriers that the 9/11 Commission attributed as being responsible for one of our greatest intelligence failures is very unwise.

In addition to the problems with the information sharing provisions, the critical infrastructure language grants too much authority to the government, failing to consider the innovative potential of the private sector. I continue to believe that this title would force those who own or operate critical assets to place more emphasis on compliance attorneys, rather than utilize the world-class engineering capabilities employed by our private sector. This is why the primary objective of our bill is to enter into a cooperative information sharing relationship with the private sector, rather than an adversarial relationship rooted in mandates used to dictate technological solutions to industry.

The SECURE IT Act is a serious response to the growing cyber threat facing our country, and it is an alternative approach to the overly bureaucratic and regulatory bill before us. Our amendment seeks to utilize the world-class engineers employed by our private sector, not compliance attorneys in law firms. This is why the primary objective of our bill is to enter into a cooperative information-sharing relationship with the private sector, rather than an adversarial relationship rooted in mandates used to dictate technological solutions to industry.

The centerpiece of the SECURE IT Act continues to be a legal framework to provide for voluntary information sharing. Our amendment provides specific authorities relating to the voluntary sharing of cyber threat information among private entities and the government, and in doing so, we do not create any new bureaucracy. This bill at the very least deserved a vote.

As I stated earlier, it has been my experience that when dealing with matters of national security and domestic policy, it is more important to work to get something done right than just work to get something done. For these reasons, and because of the closed process put forth by the majority, we should all oppose cloture.

Mr. REID. Mr. President, nearly 3 years ago, I called the chairmen of the Senate's national security committees—Senators LIEBERMAN, ROCKEFELLER, FEINSTEIN, LEAHY, and LEVIN—together to discuss what, even then, was one of the most urgent priorities for our national security: defending our Nation against cyber attack.

I asked them to begin working together, across committee jurisdictions and across party lines, to develop comprehensive cyber security legislation to protect our Nation, our security, and our economy from this growing threat. Many of the Senators present had already begun work on their own legislation, but they committed that day to join their efforts in common cause.

Since that time, their committees have painstakingly worked to break down artificial jurisdictional boundaries and to resolve differences across party lines. They have also sought to include a remarkably wide array of stakeholders—including cybersecurity experts, the private sector, academia, the intelligence community, military leaders, law enforcement, think tanks, State and local governments, and many more—in an open, transparent, and cooperative process.

The process has been nearly unprecedented in its scope, its thoroughness, and its transparency. Since the Senate began its work on cyber security legislation in 2009, committees have held more than 20 hearings across at least seven different committees specifically on cyber security and related legislation, and addressed critical questions relating to cyber security in dozens of additional hearings. They have held numerous briefings for Senators and staff on cyber security, including a simulated cyberattack exercise for all Senators conducted by senior administration officials. They have organized several other forums for Senators to examine cyber security issues, including cross-committee working groups designed to develop comprehensive legislation, as well as the Intelligence Committee's 2010 Cyber Security Task Force. They have considered nearly 20 separate cyber security bills and numerous cyber security-related amendments. And they have held markups of cyber security legislation in five separate committees, each of which occurred under each committee's rules for regular order.

The result has been legislation that addresses the equities of these diverse stakeholders as fairly and thoroughly as one could imagine, while preserving the authorities necessary to boost our Nation's cyber defenses.

As ranking member of the Homeland Security Committee, Senator COLLINS has been heroic in her efforts to ensure the bipartisan nature of this process. Yet, despite her best efforts, Republicans have made it clear throughout the last 3 years that they were simply unwilling to participate.

They refused to participate in working groups designed to draft the legislation, despite the fact that these groups were established with Leader MCCONNELL's full agreement. They refused to propose changes to draft legislation, or to participate in negotiations with bill sponsors. When, after 3 years of painstaking work and broad outreach the legislation came to the floor, my Republican colleagues refused to allow the Senate to consider a single amendment to improve the bill, despite my continuous pleading for their agreement on a list of amendments for consideration. And, as today's cloture vote has demonstrated, they have refused to allow us to continue to debate the legislation.

Why this obstinate refusal to participate? How can these Senators, who have received the same entreaties from our military and intelligence leaders about the urgency of this legislation, obstruct Senate action to confront one of the leading threats to our Nation? These questions are all the more perplexing when one considers what our national security leaders have said about the seriousness of the threat we face.

According to General Keith Alexander, Commander of U.S. Cyber Command, ''The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot avoid further delay.''

General Martin Dempsey, Chairman of the Joint Chiefs of Staff, noted, ''The uncomfortable reality of our world today is that bits and bytes can be as threatening as bullets and bombs. Not only will military systems be targeted by tools that can cause physical destruction, but adversaries will increasingly attempt to hold our Nation's core critical infrastructure at risk.''

Similarly, Secretary of Defense Leon Panetta stated, ''We talk about nuclear. We talk about conventional warfare. We don't spend enough time talking about the threat of cyberwar. There's a strong likelihood that the next Pearl Harbor that we confront could very well be a cyberattack.''

And Director of National Intelligence James Clapper called cyberattack ''A profound threat to this country, to its future, its economy and its very being.''

Simply put, there is unanimity across the national security community that malicious cyber activity is an urgent, growing, and imminently dangerous threat that our Nation must confront immediately. But this unanimity is not limited to the current administration. Countless national security officials appointed under Republican administrations—including former Director of National Intelligence Mike McConnell, former Secretary of Homeland Security Michael Chertoff, former Deputy Secretary of Defense Paul Wolfowitz, former Chairman of the Joint Chiefs of Staff Mike Mullen, former Director of the Central Intelligence Agency Michael Hayden, and many others—have echoed the urgency of our current administration's call for action, as well as their support for the legislation we have considered today.

Yet, today Republicans were nearly unanimous in their opposition to this legislation. Why?

It is no secret that Republicans are taking their marching orders from the Chamber of Commerce. And the Chamber has made no secret that it is opposed to any effort to secure America's cyber networks; in fact, it has gone so far as to oppose even voluntary cybersecurity standards. In other words, the position of the Chamber of Commerce is that the owners and operators of the most critical infrastructure of our Nation—the electricity grid, telecommunications lines, air traffic control systems, and the like—should not even be asked to take steps, on a strictly voluntary basis, to improve our Nation's security. That position is hard to believe, and it is seriously out of step with the patriotism of the owners and employees of the American businesses it claims to represent.

As a result, my Republican colleagues have ignored the urgent calls of some of America's most respected national security leaders in order to pander to the Chamber of Commerce—an organization that appears more concerned with corporate bottom lines than with the American lives this legislation seeks to defend.

It seems that the only people who have not yet awakened to the threat facing our Nation are Senate Republicans. What has become clear in this debate is that Republicans are willing to prioritize partisan politics and slavish defense of corporate interests over our Nation's security. And that is simply unacceptable.

I hope that my colleagues across the aisle will wake up and recognize the threat facing our country before it is too late—before the ''cyber 9/11'' of which leaders like Secretary Panetta have warned us arrives. I hope that they can join us, as we have asked them to do for the last 3 years, and work on a bipartisan basis for the good of our country. And if they choose to do so, we will be ready to work quickly to pass this much-needed legislation.

But the more they delay, the more the risk to our Nation's security and economy grows. Time is running short.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak on the vote we will have in about 10 minutes. I am going to be real personal in my statement.

This is one of those days when I fear for our country, and I am not proud of the Senate. We have a crisis, one we all acknowledge. It is not just that there is a theoretical or speculative threat of cyber attack against our country—it is real and happening now. Most people don't know it because a lot of people who are attacked don't want to announce it because they are embarrassed.

A lot of companies are attacked that control critical cyber infrastructure and have, in fact, what I called yesterday secret cyber attack cells planted in their system to control the kind of systems we depend on for the quality of our life and, in some ways, for our lives.

GEN Keith Alexander, Director of Cyber Command at the Pentagon, said the other day that when it comes to cyber war, we are today where we were in 1993 in our war with Islamist terrorism after they blew up the truck bomb in the parking garage at the World Trade Center. We were attacked. It shook us up for a while, but then people forgot about it. At least in that case we knew we had been attacked. Now we are attacked every day and most people don't know it. Maybe there is a story in the paper one day and they read it and it is on TV and then they forget about it.

Are we going to act before we get to the cyber 9/11, as we obviously did in the attacks in a war we were in without acknowledging it with Islamist terrorism? We pretty much all agree on that. Yet we have descended once again to gridlock, to partisan attack and counterattack. The end result of that is a lot of sound and fury that will accomplish nothing, and we will leave our country vulnerable.

The fact is that as the majority leader announced earlier in the week, we have been on this for a long time. Senator COLLINS and I have tried to be flexible. We have been open to compromise, not of principle and how much we thought we could get passed through the Senate, but because the threat is so urgent, we cannot afford to insist on everything we thought was in our best interest. We made a mandatory system voluntary, but that has not been enough. Senator REID said if there was an agreement on a finite list of amendments, and they are germane and relevant to the bill—not taking your favorite political shot through the bill or a political message opportunity—then he would take it up in September. As soon as we come back, we would have limited time on it and go to final passage and the Senate would work its will.

Unfortunately, we haven't been able to agree on such a list. There are still nongermane, irrelevant amendments on the list. Our friends in the Republican caucus have whittled the list down to 58. Frankly, I don't worry about the number as much as the majority leader was right that this bill and the threat of cyber attack and cyber theft is too important to use as a vehicle for political shots at one another.

We are approaching a cloture vote, and now it looks like it is going to lose. I hope not. Hope springs eternal for at least 25 minutes more. I say to my friends, if they believe we are in a cyber war and we are inadequately defended—particularly the part of our cyber infrastructure controlled by the private sector—then vote for cloture. It is the only way we are going to get to this bill. Vote for cloture.

Remember something. We are just one of two Chambers of the Congress of the United States. Whatever passes the Senate still has to go to a conference with the House. The House's approach on this is very different, and we are going to have to do even more negotiating and give-and-take. I appeal to my colleagues, make a principles vote and vote in a way that says to the country and to your constituents two things: One, you recognize we are in a cyber war now and we are inadequately defended. Second, by voting for cloture,

which means we will take up the bill, you are saying we are willing to work together across party lines to try to get something done.

In my opinion, it is the only way we are going to get to this bill. If cloture is not granted, as disappointed and angry as I am going to be, I will not be petulant. I will be open today, tomorrow, and as long as we have an opportunity in this session, to work with my colleagues to try to reach an agreement that will help us improve our cyber defenses.

Sometimes in moments of disappointment, I go back to the great Winston Churchill. I will just read a few comments from him. These were all in the 1930s when he was in the House of Commons and was concerned that England and the world faced a threat which they were not acknowledging, the rise of Nazi Germany. First, he said this—and I hate to say it, but it relates to where we are today. He said this about those who refused to act decisively to counter the clear and growing threat of a resurgent and rearmed Nazi Germany during the 1930s: ''They go on in strange paradox, decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity.''

I am afraid that is the message we are going to send to the country and to our enemies if we don't get together and pass a cyber security bill in this session. Churchill said he was staggered, after his long parliamentary experience with the debates he had gone through on this question during the 1930s, by two things: ''The first has been the dangers that have so swiftly come upon us in a few years, and have been transforming our position and the whole outlook of the world.''

That is where we are with regard to cyber war, although most people don't understand that. We do. He said:

> Secondly, I have been staggered by the failure of the House of Commons to react effectively against those dangers. That, I am bound to say, I never expected. I say that unless the House [finds its resolve] we will have committed an act of abdication of duty.

I end with those words. I think it is that serious. If we don't find a way either by voting for cloture today to get on the bill so we can negotiate or continuing to negotiate if cloture fails, it will be quite simply a colossal abdication of duty to the people of the United States and their security.

Mr. COATS. Will my friend yield me some time?

Mr. LIEBERMAN. Yes; I yield to my friend from Indiana.

Mr. COATS. Mr. President, first of all, I commend all the Republicans and Democrats who have worked so hard together—nearly one-fifth of us in this Congress—hour after hour, meeting after meeting, and flexibility has been provided to both sides by Senator LIEBERMAN, Senator COLLINS and their bill and Senators CHAMBLISS, MCCAIN, HUTCHISON, and others in terms of trying to reach a consensus. Those who listened to the Senator from Maryland yesterday know we are given the unclassified version of the nature of this threat. Add to that the classified version, and it is truly a threat that needs to be addressed.

It is despicable that the majority leader of the Senate, when we were so close to putting together something to bring joint support of what everybody knows we need to do and want to do—so close with agreements from Democrats and Republicans, ranking members and chairmen of the relevant committees, and presenting a package which would grant limited time and limited germane amendments—to deny us that opportunity.

Yet here we are faced with a dilemma of an imminent threat facing the people of the United States of America and a vote whether to continue the process, continue to work with something that potentially could kill this for the rest of the session and maybe even next year or something that grants to the White House an abuse of executive power to mandate things through executive order, which we have seen on a number of other occasions. Maybe that is the motive, maybe it is not; I don't know.

Nevertheless, we are faced with a critical choice in terms of an imminent threat to the security of the United States and the American people. I hope my colleagues will take that into consideration when we decide what to do. I thank people on both sides for their tremendous efforts, and we should not point fingers of blame at each other.

That is a real effort to join and address this very serious threat to the United States.

I thank my friend and yield back to him.

The PRESIDING OFFICER. The Senator from Connecticut.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. BROWN of Ohio). All time has expired. The clerk will report the motion to invoke cloture.

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 S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV, Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—52

Akaka	Franken	Mikulski
Begich	Gillibrand	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Coats	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	
Feinstein	Menendez	

NAYS—46

Alexander	Grassley	Paul
Ayotte	Hatch	Portman
Barrasso	Heller	Pryor
Baucus	Hoeven	Reid
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coburn	Johnson (WI)	Tester
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Merkley	Wyden
Enzi	Moran	
Graham	Murkowski	

NOT VOTING—2

Kirk	Rubio

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized. The Senate will be in order.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The majority leader is recognized.

Mr. REID. Mr. President, we expect one more vote today. I have not had a chance to discuss it in detail with Senator MCCONNELL yet, but we hope to have a vote on a judge. We hope to have it at 2 o'clock today, so people should make their schedules accordingly.

AFRICAN GROWTH AND OPPORTUNITY ACT—Continued

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2771 offered by the Senator from Oklahoma.

Mr. COBURN. I ask for the yeas and nays and yield back whatever time I had.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hoeven	Portman
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Sessions
Chambliss	Johnson (WI)	Shelby
Coats	Kyl	Thune
Coburn	Lee	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Webb
Crapo	McCaskill	Wicker
DeMint	McConnell	
Enzi	Moran	

NAYS—58

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bingaman	Heller	Reed
Blumenthal	Inouye	Reid
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Whitehouse
Durbin	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NOT VOTING—2

Kirk	Rubio

The amendment was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is passed.

The bill (S. 3326) was passed, as follows:

S. 3326

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

SECTION 1. AMENDMENTS TO AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.—Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(1) in the paragraph heading, by striking ''2012'' and inserting ''2015'';

(2) in subparagraph (A), by striking ''2012'' and inserting ''2015''; and

(3) in subparagraph (B)(ii), by striking ''2012'' and inserting ''2015''.

(b) ADDITION OF SOUTH SUDAN.—Section 107 of that Act (19 U.S.C. 3706) is amended by inserting after ''Republic of South Africa (South Africa).'' the following:

''Republic of South Sudan (South Sudan).''.

(c) CONFORMING AMENDMENT.—Section 102(2) of that Act (19 U.S.C. 3701(2)) is amended by striking ''48''.

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

SEC. 2. MODIFICATIONS TO TEXTILE AND APPAREL RULES OF ORIGIN FOR THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' has the meaning given the term in section 3(1) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4002(1)).

(2) CAFTA–DR COUNTRY.—The term ''CAFTA–DR country'' has the meaning given the term in section 3(2) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4002(2)).

(3) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(4) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(b) MODIFICATIONS TO THE TEXTILE AND APPAREL RULES OF ORIGIN.—

(1) INTERPRETATION AND APPLICATION OF RULES OF ORIGIN.—Subdivision (m)(viii) of general note 29 of the HTS is amended as follows:

(A) The matter following subdivision (A)(2) is amended by striking the second sentence and inserting the following: ''Any elastomeric yarn (except latex) contained in the originating yarns referred to in subdivision (A)(2) must be formed in the territory of one or more of the parties to the Agreement.''.

(B) Subdivision (B) is amended—

(i) in the matter preceding subdivision (B)(1), by striking ''exclusive of collars and cuffs where applicable,'' and inserting ''exclusive of collars, cuffs and ribbed waistbands (only if the ribbed waistband is present in combination with cuffs and identical in fabric construction to the cuffs) where applicable,'';

(ii) in subdivision (B)(2), by inserting ''or knit to shape components'' after ''one or more fabrics'';

(iii) by amending subdivision (B)(3) to read as follows:

''(3) any combination of the fabrics referred to in subdivision (B)(1), the fabrics or knit to shape components referred to in subdivision (B)(2), or one or more fabrics or knit to shape components originating under this note.''; and

(iv) in the matter following subdivision (B)(3), by striking the last sentence and inserting the following: ''Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subdivision (B)(3) must be formed in the territory of one or more of the parties to the Agreement.''.

(C) Subdivision (C) is amended—

(i) in subdivision (C)(2), by inserting ''or knit to shape components'' after ''one or more fabrics'';

(ii) by amending subdivision (C)(3) to read as follows:

''(3) any combination of the fabrics referred to in subdivision (C)(1), the fabrics or knit to shape components referred to in subdivision (C)(2) or one or more fabrics or knit to shape components originating under this note.''; and

(iii) in the matter following subdivision (C)(3), by striking the second sentence and inserting the following: ''Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subdivision (C)(3) must be formed in the territory of one or more of the parties to the Agreement.''.

(2) CHANGE IN TARIFF CLASSIFICATION RULES.—Subdivision (n) of general note 29 of the HTS is amended as follows:

(A) Chapter rule 4 to chapter 61 is amended—

(i) by striking ''5401 or 5508'' and inserting ''5401, or 5508 or yarn of heading 5402 used as sewing thread,''; and

(ii) by inserting ''or yarn'' after ''only if such sewing thread''.

(B) The chapter rules to chapter 61 are amended by inserting after chapter rule 5 the following:

''Chapter rule 6: Notwithstanding chapter rules 1, 3, 4 or 5 to this chapter, an apparel good of chapter 61 shall be considered originating regardless of the origin of any visible lining fabric described in chapter rule 1 to this chapter, narrow elastic fabrics as described in chapter rule 3 to this chapter, sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 4 to this chapter or pocket bag fabric described in chapter rule 5 to this chapter, provided such material is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.''.

(C) Chapter rules 3, 4, and 5 to chapter 62 are each amended by striking ''nightwear'' each place it appears and inserting ''sleepwear''.

(D) Chapter rule 4 to chapter 62 is amended—

(i) by striking ''5401 or 5508'' and inserting ''5401, or 5508 or yarn of heading 5402 used as sewing thread,''; and

(ii) by inserting ''or yarn'' after ''only if such sewing thread''.

(E) The chapter rules to chapter 62 are amended by inserting after chapter rule 5 the following:

''Chapter rule 6: Notwithstanding chapter rules 1, 3, 4 or 5 to this chapter, an apparel good of chapter 62 shall be considered originating regardless of the origin of any visible lining fabric described in chapter rule 1 to this chapter, narrow elastic fabrics as described in chapter rule 3 to this chapter, sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 4 to this chapter or pocket bag fabric described in chapter rule 5, provided such material is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.''.

(F) Tariff classification rule 33 to chapter 62 is amended to read as follows:

''33. A change to pajamas and sleepwear of subheadings 6207.21 or 6207.22, tariff items 6207.91.30 or 6207.92.40, subheadings 6208.21 or 6208.22 or tariff items 6208.91.30, 6208.92.00 or 6208.99.20 from any other chapter, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement.''.

(G) Chapter rule 2 to chapter 63 is amended—

(i) by striking ''5401 or 5508'' and inserting ''5401, or 5508 or yarn of heading 5402 used as sewing thread,''; and

(ii) by inserting ''or yarn'' after ''only if such sewing thread''.

(H) The chapter rules to chapter 63 are amended by inserting after chapter rule 2 the following:

''Chapter rule 3: Notwithstanding chapter rule 2 to this chapter, a good of this chapter shall be considered originating regardless of the origin of sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 2 to this chapter, provided the thread or yarn is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection apply to goods of a CAFTA–DR country that are entered, or withdrawn from warehouse for consumption, on or after the date that the Trade Representative determines is the first date on which the equivalent amendments to the rules of origin of the Agreement have entered into force in all CAFTA–DR countries.

(B) PUBLICATION OF DETERMINATION.—The Trade Representative shall promptly publish notice of the determination under subparagraph (A) in the Federal Register.

SEC. 3. EXTENSION OF AND RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) EXTENSION OF BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by striking ''nine years'' and inserting ''twelve years''.

(b) RENEWAL OF IMPORT RESTRICTIONS.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on the date of the enactment of this Act or July 26, 2012, whichever occurs first.

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be 100.25 percent of such amount; and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 5. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''August 2, 2021'' and inserting ''October 22, 2021'';

(2) in subparagraph (B)(i), by striking ''December 8, 2020'' and inserting ''October 29, 2021''; and

(3) by striking subparagraphs (C) and (D).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 12:50 p.m. today, the Senate proceed to executive session to consider Calendar No. 651; that there be an hour of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on Calendar No. 651, Judge Drain of Michigan, at least a judge-to-be in Michigan.

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

Mr. LIEBERMAN. 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.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

WALL STREET REFORM

Mr. BROWN of Ohio. Madam President, I rise to discuss the troubling state of our financial system and the unfinished business of Wall Street reform. I am here to talk specifically about too-big-to-fail banks.

Decades of deregulation and laissez faire economic policies helped the six largest U.S. banks grow from 18 percent of gross domestic product only 25 years ago to 68 percent of gross domestic product in 2009. So it went from 18 percent in the mid-1990s to 68 percent of GDP in 2009.

We know what happened next. During the financial crisis, these six megabanks collected $1.2 trillion—just to understand that figure, if we can—$1.2 trillion is $1,200 billion and $1 billion is $1,000 million. The six megabanks collected $1.2 trillion in Federal taxpayer-funded support from the Treasury, from the FDIC, and from the Federal Reserve.

Two years after we passed the Dodd-Frank Wall Street Reform Act—and I supported it because it took many important steps—I am concerned we are not seeing reform, nearly sufficient enough reform, in the financial sector. As we uncover more and more risky, fraudulent, and illegal activities, it seems far too clear that the American people absolutely see this and believe Wall Street is back to business as usual.

Since 2010, we have learned about a number of things. I am just going to rattle off seven or eight significant, serious problems. Some are illegal, some are accusations, some are alleging significant systemic problems—all troubling issues that have happened just in the last couple years: Investor lawsuits and SEC enforcement actions over mortgage-backed securities; municipalities being sold overpriced credit derivatives, bankrupting some of those municipalities, and think of the hardship that causes these communities; the forging of foreclosure documents and mortgage securities legal documents by five of the Nation's largest servicers, leading to $25 billion in penalties—$25 billion in penalties—from these servicers forging foreclosure documents and mortgage security legal documents—$25 billion in penalties; the Nation's largest bank halting all consumer debt collection lawsuits due to concerns about poorly maintained and inaccurate paperwork; the Nation's largest bank losing $5.8 billion so far—so far—on large, complex derivative trades that regulators either missed or didn't understand or ignored; suspicions that 16 global banks, including the three largest U.S. banks, manipulated LIBOR—the London Interbank Overnight Rate—that is used as a benchmark for mortgages, credit cards, student loans, and even for derivatives—financial instruments that affect almost everybody in our country.

Continuing with the list of problems since 2010: a criminal bid-rigging trial exposing illegal practices by many Wall Street banks in arranging bids so banks could underpay for municipal bonds; former employees of the Nation's largest bank alleging the company urged them to steer clients to their own mutual funds because they were more profitable to the bank, even though they paid investors lower returns than other funds, while their clients presumably were trusting them to act in their best interests; the Federal Energy Regulatory Commission investigating whether the biggest U.S. bank manipulated prices in the energy markets, forcing consumers to pay more; a $175 million settlement by the Nation's fourth largest bank for discriminatory lending practices in housing markets that include Cleveland and many other cities. One can walk through these neighborhoods and see what foreclosures have done to them, see what rigging, what other dysfunctional servicers' behavior or illegal activities have done to these communities and to these families.

Putting the numbers aside and the political speech aside, imagine for a moment that a parent of 12- and 13-year-old daughters has to sit down with them and say: Sorry, but dad lost his job a few months ago and now we are losing our home.

Where are we going to move, Mom?

I don't know.

What school am I going to go to?

I don't know yet. We have to figure that out.

Imagine the personal hurt and hardship caused by a lot of these things to

a whole lot of families in Cleveland and Mansfield and Cincinnati and Dayton.

More problems since 2010: Regulators are investigating whether the rate that establishes municipal bond prices is susceptible to manipulation.

These are just 11 examples, all of them huge separately and in the aggregate devastating, potentially—certainly devastating to many individuals and potentially devastating in a huge way to our economy as a whole. The list goes on and on and on.

Some experts say we can't—when we talk about potentially forcing these banks to divest themselves because of their size, some experts say our banks need to compete. They say: No, our banks need to compete with the banks in other countries. But then does anyone truly believe—do any of these bankers on Wall Street or bankers in my State who have acted, frankly, more responsibly—the community banks and the credit unions and the regional banks—does anybody truly believe we should follow the European model where never-ending bank bailouts have become the norm?

We know the world's largest bank, HSBC, at $2.55 trillion, helped launder money from Mexican drug traffickers and Middle Eastern terrorists. As we know by now—all over the newspapers—the eighth largest bank in the world, the $2.4 trillion Barclays—the city where the Olympics are being held—was the first bank caught manipulating the LIBOR rate, not exactly models we should emulate.

Financial reform is supposed to reduce industry concentration. It is supposed to end too big to fail. But the financial sector is even more concentrated now than it was before the financial crisis.

My colleagues will remember what I said at the outset. In 1995, 18 percent of GDP was the assets of these banks. The six largest banks had 18 percent of GDP in 1995. By 2009, it was 68 percent, and it is even worse today—the top 10 banks' assets, 6 percent in 2006, now 77 percent at the end of 2010 and growing, presumably, as a result of mergers during the financial crisis. Three of the four largest megabanks have grown by an average of more than $500 billion—grown by an average of more than $500 billion. They are in the vicinity of $800 billion and $1 trillion and $1.5 trillion and $2 trillion in assets.

The six biggest U.S. banks have combined assets that are twice as large as the rest of the top 50 U.S. banks put together. Think about that. The six largest U.S. banks, their assets total this; and the next largest 50 U.S. banks—big banks, to be sure; hundreds of billions in assets—total even less than the six largest.

According to Robert Wilmers, the CEO of M&T Bank, the six biggest banks in the United States account for 35 percent of all U.S. deposits, 53 percent of U.S. banking assets, 56 percent of all mortgages, and 93 percent—93 percent—of trading revenues.

This is just six banks that wheel such immense power in our economy. The message to the markets is clear: These trillion-dollar megabanks are too big to manage, they are too big to regulate, and they continue to be too big to fail. We still have work to do.

For all of its benefits—including a new consumer protection agency and oversight of derivatives—the Dodd-Frank legislation relies upon regulators to get it right this time.

But given their track record—sometimes being too close to the people they regulate, so-called regulatory capture; sometimes there just are not enough of them; other times they may not have the expertise to be able to chase around some of the smartest, best educated, most experienced banking executives who know how to game the system. Also, as I said, as to these regulators, we simply do not have enough of them.

That is why I am skeptical. That is why we need to go beyond the central provisions of Dodd-Frank that increase capital, that establish living wills, that establish a process for orderly liquidations. Those are all good things. But, clearly—I just mentioned these 10 or 11 or 12 problems; those are just the biggest ones—clearly, those are not enough.

Members of Congress in both political parties agree that banks need to have much more capital to cover their losses—much more of a financial capital cushion. We agree institutions should issue more stock, should restrict dividends, should retain their earnings to build bigger buffers. But while countries such as Switzerland are considering 19 percent capital requirements—a ratio of about 5 to 1—U.S. regulators are staying within the Basel III international capital standards, which FDIC Director Tom Hoenig has said simply will not prevent another financial crisis.

There is also a living will process that is intended to make it easier to resolve large, complex institutions. We talked a lot about that in Dodd-Frank.

Institutions are supposed to tell regulators how they can be dismantled to protect the financial system as a whole and to protect Middle America when they get into financial trouble. But the proof will be in the results.

So far regulators have yet to begin a process of simplifying the six largest banks that have a combined 14,420 subsidiaries. Six banks have 14,420 subsidiaries.

I mention that number because, Madam President, as you think about every look at these six banks, every quantifying number I try to give, every observation of these six banks, every delineation of what these six banks do and what they are, this speaks of these huge, these behemoth banks that are too big to fail—these six banks. They are too big to regulate, and they are too big to manage.

There is title II Orderly Liquidation Authority. I have heard my colleagues, including the ranking member on my subcommittee, Senator CORKER from Tennessee, who coauthored title II, note that the FDIC and Treasury could keep failing banks on life support rather than liquidate them. Is that what we want when we think of too big to fail, too big to manage, too big to regulate?

I have talked to regulators who have privately told me and told Graham Steele of my staff that they believe our banks are still too big to be allowed to fail because the collapse of banks that size could potentially crush the economy.

We remember the fear in the voices of some of the top people in the Bush administration when they talked to us in the fall of 2008 about what was happening to our financial system. I do not think we have answered those fears nearly well enough.

This is not capitalism the way it should be. It is not right. Some of my colleagues think the answer to too big to fail requires repeal of Dodd-Frank—this is about as silly as it gets—and a return to the same unfettered free market approach that Alan Greenspan championed for decades and that led us into this mess—except Alan Greenspan does not even think we should have that again, even though he was the No. 1 cheerleader, he and the Wall Street Journal editorial board, for an unfettered, unregulated Wall Street. He is, to his credit—and I do not give him credit for much in most of the last 10 years—but, to his credit, he has acknowledged that, yes, indeed, he was wrong; that this unfettered, unregulated Wall Street capitalism simply did not work for our country. He acknowledges doing that again would be a recipe for financial crises and bailouts as far as the eye could see.

Instead, we must face the reality that too big to fail is simply too big, and we must enact the SAFE Banking Act because too big to fail and too big to manage and too big to regulate has become the norm, especially among these large six behemoth institutions.

The SAFE Banking Act, my legislation, would place reasonable limits on the share of deposits and the volatile nondeposit liabilities that any one institution could take on. It would require the largest financial companies to fund themselves with more of their own shareholders' equity and less leverage. It would put an end to the government's implicit and explicit support for megabanks—specifically, the six largest Wall Street institutions that, as I spelled out earlier, are in a class by themselves.

Remember those numbers. The six largest banks: 35 percent of all deposits, 53 percent of all U.S. banking assets, 56 percent of all mortgages, 93 percent of trading revenues. Those six institutions have that kind of power in the economic marketplace in large part because of actions here.

Regulators and banking leaders are increasingly voicing support for this bill.

Former Federal Reserve Chairman Paul Volcker recently said the J.P.Morgan episode might be an illustration that these banks are too big to manage.

Former FDIC Chairman Sheila Bair says shareholders and regulators could force banks to break up, but this legislation would be the most direct way to do it.

Richard Fisher, the president of the Federal Reserve Bank of Dallas, and James Bullard, president of the Federal Reserve Bank of St. Louis, agree that more needs to be done to address the problem of too-big-to-fail banks.

Last week, the architect of the too-big-to-fail banking model, former Citigroup CEO Sandy Weill, said the biggest banks should be broken up.

Increasingly, this is not a partisan issue. The ranking member of the Banking Committee, Republican Senator SHELBY from Alabama, supported the SAFE Banking Act when it was a floor amendment, when it was the Brown-Kaufman floor amendment.

I have heard from more and more of my colleagues on both sides of the aisle that they might have voted against it a couple years ago as a floor amendment, but things have gotten worse. The idea is sounding better and better to them.

This legislation would protect taxpayers by putting megabank shareholders on the hook for losses and ending bailouts for good.

At a time of increasing fiscal restraint, our Nation can ill-afford to waste precious taxpayer dollars bailing out our largest banks in their recklessness.

My legislation would benefit the community banks that are at an unfair competitive disadvantage because megabanks have access to cheaper funding based upon the perception that the government stands behind them.

Studies estimate this support gives megabanks a 70 to 80 basis point funding advantage. Madam President, 70 to 80 basis points means three-fourths, four-fifths of a percent on interest advantage, if you will—a subsidy encouraged, provided, for that matter, by the expectation of taxpayer support of up to $60 billion per year.

So if you are one of the six big banks, you can borrow money in capital markets at a lower cost than if you are a community bank in Carey, OH, or a community bank in Sandusky or a mid-sized bank in Columbus or Akron, OH, because the market knows we will not let those six biggest banks fail. So their lending is a little less expensive because there is a lot less risk.

My legislation will benefit investors, as many experts agree that the sum of the parts of the largest megabanks is more valuable than the banks as a whole. So under our legislation, when they begin—these six megabanks, with assets from $800 billion to $2.2 trillion—when they begin to divest themselves, there is a reasonably good chance they will be worth more in the aggregate than they were in the whole.

It will benefit Main Street families and businesses because increased competition will result in better prices, and fraudsters will be punished with the full force of the law. Just about the only people who will not benefit from my plan are a few Wall Street executives who, frankly, have done just fine in the last 10 years.

We simply cannot wait any longer for regulators to act. Wall Street has been allowed to run wild for years. Their watchdogs are either not up to the job or, in some cases, complicit in their activities.

How many more scandals will it take before we acknowledge that we cannot rely on regulators to prevent subprime lending, dangerous derivatives, risky proprietary trading, and even fraud and manipulation?

Even if the regulators wanted to do the job—and I think they do—it would require 70,000 examiners to examine a trillion-dollar bank with the same level of scrutiny as a community bank.

The regulation of the community banks is plenty, but when its comes to the six largest banks, we are not even close. Again, they are too big to fail, they are too big to manage—look at what has happened, those examples I gave—and they are too big to regulate.

We cannot rely on the market to fix itself. The six largest Wall Street megabanks are essentially an oligopoly and a cartel, making true competition impossible.

Megabanks' shareholders and creditors have no incentive to end too big to fail because they get paid out when banks are bailed out. They get paid out when banks are bailed out. And banking laws prevent meaningful management shakeups because any hostile takeover effort would require Federal Reserve approval.

That is why it is time for Congress to act in the interests of the American public. It is time to restore the public's confidence in our financial markets. It is not there now, to be sure. It is time to put an end to Wall Street welfare and government subsidies. We have seen far too much of that. It is time to enact the SAFE Banking Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I see the Senator from North Dakota on the Senate floor, and I wonder if he seeks recognition. He is my chairman on the Budget Committee. I am inclined to give him precedence.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, through the Chair, I would say to my colleague, I do have a matter that is a parliamentary inquiry that is a matter that is important for us to resolve. I do not want to intrude on the Senator's time.

Mr. WHITEHOUSE. Madam President, may I suggest that the Senator proceed, and it would be helpful to me if he could give me an indication, first, of how long he might be and, second, that we enter into a unanimous consent agreement that I be recognized following his remarks.

Mr. CONRAD. No more than 4 minutes.

Mr. WHITEHOUSE. Perfect.

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

Mr. WHITEHOUSE. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

PARLIAMENTARY INQUIRY—FISCAL YEAR 2013 BCA SEQUESTRATION

Mr. CONRAD. Madam President, I come to the floor today to clear up some confusion with respect to the Budget Control Act of 2011. Some have suggested that the Budget Control Act indirectly authorized the Senate to use a fast-track process to modify the across-the-board cuts scheduled to go into effect next year due to failure of the Joint Select Committee on Deficit Reduction.

Madam President, if that claim were true, it would result in a fundamental change in Senate procedures and prerogatives. However, it is clear in looking at both the statutory language and Congress's intent in passing the Budget Control Act that this claim is completely without merit.

First, let's look at what the law actually says. The key provision at issue is section 258A of the Deficit Control Act of 1985. Section 258A would allow the majority leader to introduce a joint resolution to modify or provide an alternative to a sequestration order—and I quote—''issued under Section 254.'' That joint resolution could not be filibustered and would pass the Senate with a simple majority vote. The sequestration orders under section 254 were put in place two decades ago to enforce deficit targets and discretionary spending limits that have long since expired.

A sequestration order under the Budget Control Act is not an order issued under section 254. The Budget Control Act created a new sequestration process under a completely different section of the law: section 251A. Section 251A explicitly authorized a new set of Presidential sequestration orders in fiscal year 2013 for both discretionary and direct spending, and did so without any reference at all to the old section 258A procedures. The statutory language is clear, therefore, that these old procedures do not apply to sequestration under the Budget Control Act.

It is also clear that Congress never intended for section 258A procedures to apply. There was no discussion of this issue on the floor of either House. There was no discussion of this in the Budget Control Act negotiations between congressional Republicans and the White House, and there was no discussion of this among Democratic Senators. Moreover, the Budget Control Act and the Deficit Control Act of 1985 are completely separate budget enforcement mechanisms enacted 26

years apart and under entirely different circumstances.

Simply put, there is zero evidence of any congressional attempt to apply the 258A procedures to the Budget Control Act sequestration. In order to confirm this for the RECORD, I would like to pose a parliamentary inquiry to the Presiding Officer.

Madam President, is it correct that section 258A of the Deficit Control Act of 1985 does not apply to the fiscal year 2013 sequestration?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I thank the Chair. I think it is an important decision to get affirmed publicly so that we might proceed and not be engaged in distractions.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NIH FUNDING

Mr. WHITEHOUSE. Madam President, last spring Cathy Hutchison picked up a cup of coffee and took a sip. Now, why have I come to the floor of the Senate to talk about Cathy Hutchison picking up a cup of coffee last spring and taking a sip? Because 15 years earlier, Cathy Hutchison was working in her garden when she suffered a stroke that left her paralyzed.

Cathy did not just lose the ability to use her arms and legs, she also lost the ability to speak. I am sorry to say this condition is not unique to Cathy. It happens regularly enough that there is a medical term for it, locked-in syndrome. That is how Cathy lived for nearly 15 years: alert and mentally sharp but unable to move or speak, a prisoner in her own body.

All of this changed last spring when, for the first time in nearly 15 years, Cathy picked up that cup of coffee and took a sip. Cathy Hutchison is a patient enrolled in a clinical trial at Brown University in Providence, RI. They are testing a neural interface device known as BrainGate.

BrainGate works by placing a small sensor on the brain. The sensor is connected to a computer that interprets the brain's signals to control a specially designed robotic arm. The university researchers asked Cathy to imagine that she was moving her arm in different directions. Then they monitored which neurons fired for those corresponding movements, all in her imagination.

Using this brain wave information, researchers attached a robotic arm to the computer. The computer translated the electrical impulses detected by the sensor in Cathy's brain back into commands to tell the arm what to do.

Cathy communicates through a device that allows her to type using the movement of her eyes, and she typed that she was ''ecstatic'' about the new technology and hopes it can be expanded to one day allow her to walk again.

The BrainGate team is also working to determine if this technology can ultimately be used to help individuals paralyzed by stroke or injury to regain greater independence. BrainGate is an example of what is possible when the best minds in science and engineering come together for the common good.

Researchers from Brown University, the Department of Veterans Affairs, Massachusetts General Hospital, and the German Aerospace Center collaborated on this project. Their efforts were supported by a grant from the National Institutes of Health, as well as funding from the Veterans' Administration, and several private foundations. BrainGate is just one of the most recent in a long list of medical breakthroughs that are made possible by our National Institutes of Health. The NIH is the cornerstone of our commitment to medical research for the benefit of humanity.

Research supported by the NIH has led to medical advances that have saved and improved countless lives while making America the world leader in discovery and innovation. More than 80 Nobel prizes have been awarded for research supported by the National Institutes of Health.

In Rhode Island, Brown University has received NIH grants to support cutting-edge research on a multitude of diseases, including cancer, dementia, and muscular dystrophy. In fact, the scope of projects at Brown that receive NIH support is so diverse that the university describes its NIH-backed research as covering everything from autism to Alzheimer's. Yet there are those in Congress who have suggested cutting the NIH's budget.

Let's be clear about what cutting the NIH's budget means. It means cutting off funding for research that has provided Cathy Hutchison her first taste of physical independence in 15 years. It means telling the millions of Americans suffering from cancer that they have to wait longer for lifesaving research. It means suffocating a vibrant area of innovation and job creation.

Cutting the NIH budget has ripple effects far beyond just one Federal agency. Quite simply, it will hurt job growth. Medical research is one of the fastest growing fields nationwide. In Rhode Island and across the country, cities are undergoing a renaissance sparked by the growth of high-paying careers in medical research.

I have heard friends on the other side of the aisle talk at length about how we need to do more to create jobs. Well, I could not agree more. Now is no time to put jobs at risk by cutting back on the research funding that makes them possible. I know the Appropriations Committee recently reported a bill to the floor that would increase the NIH budget by $100 million for the coming fiscal year. I applaud my colleagues on the Appropriations Committee for their commitment to this vital agency, and I hope we will soon be able to vote on their measure. But there is something looming on the horizon that will render this $100 million increase all but meaningless. I am talking, of course, about sequestration, under which it is estimated that NIH will face not a $100 million increase but a $2.4 billion cut.

I know a lot of my colleagues have discussed the effect that the sequester will have on defense spending, but it is important to remember that 50 cents out of every dollar of cuts that will occur under sequester will come out of nondefense spending, including specifically the NIH.

''Devastating'' is the word that keeps being used when people are asked how sequester would affect our National Institutes of Health. That is how NIH Director Dr. Francis Collins described the effect of a nearly 8-percent cut to the agency's budget. Those who are familiar with science know how important it is in ongoing experiments that there be a consistent data set through the period of the research.

When we interrupt research for financial reasons, we can damage the value of research conducted in other years. I agree with my colleagues that we must reduce our long-term deficit, but when we cut funding that creates jobs and leads to lifesaving medical breakthroughs we are pursuing policies that are the epitome of penny-wise but pound-foolish.

I hope we in the Senate can work together to find sensible solutions that reduce the deficit while maintaining our longstanding commitment to medical research and innovation. We owe that much to Cathy and to the millions of Americans whose futures will be brighter thanks to the research and jobs made possible by our American National Institutes of Health. When Cathy Hutchison interacts with the BrainGate program, it is hard not to get the sense that we are looking into the future, a future where people like Cathy will know that disease or injury will not transform their bodies into a prison.

It was Arthur C. Clarke who said ''any sufficiently advanced technology is indistinguishable from magic.'' For Cathy, for the BrainGate research team, and indeed for anyone who may one day benefit from this remarkable technology, that sip of coffee last spring taken by Cathy Hutchison was a moment of magic. Let's commit ourselves to providing Cathy, the BrainGate team, and all of those who are relying on us in this body to provide the support they need to keep making magical moments like this possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I am here again on the Senate floor, as I have been on 14 previous occasions, to urge all of us, to urge my colleagues in the Senate and, of course, our colleagues down through the Rotunda in the House to extend the production tax credit for wind. It is also known by its shorthand as the PTC.

The reason I am here on the floor, as I have said many times before, this is about jobs. If we do not extend the production tax credit as soon as possible, we will lose good-paying American jobs. It is that simple. It is that straightforward.

I am going to keep speaking on the floor of the Senate until my colleagues decide to act, until Congress decides to take the necessary action to extend the production tax credit and protect American jobs. I want to underline that. We are going to protect American jobs and help secure our energy future in the 21st century where clean energy will be a dominant part of the mix.

It has been a treat to come to the floor to do this on one hand because I am touring the country. I focus on a State when I come to the floor. Today I want to focus on the great State of Oregon, where the wind industry is a major part of their economy, and where the PTC's positive ripple effects have been felt statewide.

In short, Oregon is a national leader in wind power. I want to share some of the statistics to make the case. According to the American Wind Energy Association, Oregon ranks sixth in power derived from wind. The wind energy industry supports roughly 3,000 jobs in Oregon. That number is poised to grow but only if we extend the production tax credit.

As we look at the map of Oregon, we can see that Oregon has installed extensive wind power projects along the Colombia River Valley in the northern part of the State. The Colombia basically delineates the State of Oregon from the State of Washington on the right here along its northern boundary. There are enough projects there producing enough power so that 700,000 homes would have electricity from those wind-power projects.

The Biglow Canyon Wind Farm is the ninth largest wind farm in the Nation. And Oregon's Second Congressional District, which is a very big district, much like the Western Slope district, Colorado's Third District, ranks fourth in the United States for installed wind capacity. Over the last decade, one county alone, a relatively small county, Sherman County, has seen over $18 million in revenues coming into that county due to the simple presence of the wind energy industry.

That money has helped Sherman County do impressive things. They have created jobs and improved their infrastructure, including building a new public school and library, supporting the Sherman County History Museum, and installing solar panels on county property. A hybrid system is in use using renewable energy with those solar panels. Those are impressive achievements.

Oregon's wind energy potential is tremendous. Currently there are plans to more than triple the amount of power that Oregon gets from wind.

That would mean a total of 9,000 megawatts of electricity. That would power over 2 million homes. Moreover, such a move, such an investment, would create thousands of jobs.

I want to go back to my main point. The wind production tax credit has been a major driver of this growth in the last decade, encouraging some wind energy producers to invest in Oregon and the rest of our country. The PTC has encouraged American innovation, and innovation is how we will grow our economy. It has supported American companies in the wind energy sector. I know the Presiding Officer knows this—and I look forward to the opportunity to talk about her State of North Carolina in the future. The PTC has enticed foreign companies to bring their operations—jobs—to the United States. Because of the PTC, these companies are building factories and offices in the United States.

I want to talk about Vestas, a Danish company that has a significant manufacturing presence in Colorado—four different plants. Last Saturday, I was at a Vestas plant in Pueblo. They support many jobs in Colorado. Vestas also has a strong presence in Oregon. In fact, their U.S. headquarters is located in one of the most livable cities in the world, that being Portland. Vestas has made a real statement about the potential here in the United States.

Again, the point I am making is it is clear to me and a large, growing, and bipartisan group of colleagues in both Houses of Congress, including both of my colleagues from Oregon, Senators MERKLEY and WYDEN, that extending the production tax credit is the right thing to do. It is the right thing to do for our future, for our economy, and for our environment. Without the PTC—if you look at the other side of this success story—the sustained growth of the wind industry in recent years will slow—it already has—and possibly halt, and we actually may see good-paying American jobs being lost to China and other countries. Why would we want that to happen? We cannot let that happen. The continued uncertainty is not right and not fair when it comes to our U.S. wind industry and the people who work in that sector.

Last Saturday, I heard from the workers at the Vestas plant in Pueblo that they didn't know whether they were going to have jobs in a few months. The looks on their faces alone should motivate all of us to get the wind production tax credit extended. This is also an opportunity for us in Congress to show the American public that we are not as dysfunctional as a Congress as the public believes. This is a chance to support economic growth and American manufacturing right here in our country. The American people expect us to produce results, and we can only do so by working together.

I fear that the wind production tax credit has become a political football. We have a chance to show the American public, who are sick of campaign year rhetoric and politics, business as usual and partisanship, that we can rise above that. I reiterate that this is a perfect opportunity for us because this is not a partisan issue. It has widespread support from both parties across our country. I have been highlighting that fact over the last few weeks.

What can we do? We ought to understand that the production tax credit equals jobs. We ought to pass it as soon as possible. As I wind down, I note that the Senate Finance Committee is meeting right now to consider a tax extenders package. I know many colleagues on the Senate Finance Committee, including Oregon's senior Senator RON WYDEN, are working to include the PTC in the package. I add my voice to those who are already in place, urging the Finance Committee to pass an extension of the PTC today as a part of the tax extenders package, and then let's move the full Senate to the point where we can pass the PTC as soon as possible. Why? Because we are protecting American jobs and we are preparing the ground for additional job creation that is crucial, growing, and exciting in the 21st century to the wind energy industry.

I thank the Chair for what her State is doing for wind power. I look forward to talking about North Carolina.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am delighted to follow the distinguished Senator from Colorado and commend him for his persistence and his passion on preserving the wind production tax credit. We have, as he will recall from our previous discussions together on the floor, facilities that we hope to have going up offshore of Rhode Island very soon that will provide a local source of energy for us, reduce our reliance on imported oil, and create significant and well-paying jobs at home. So I am glad to be his wingman in this pursuit and thank him for his leadership.

CLIMATE CHANGE

Madam President, yesterday marked the end of what is expected to be one of the top five warmest months on record. The USDA recently declared nearly 1,400 counties in 31 States, including, I am sure, many in Colorado, disaster areas as a result of the ongoing drought. NASA and NOAA declared the last decade the warmest on record. In 2011, we faced 14 weather-related disasters that totaled more than $1 billion in damage each. We already have several more that have occurred in 2012.

I have come to the floor today to discuss the science of climate change. Virtually all respected scientific and academic institutions have agreed that climate change is happening, and that human activities are the driving cause of this change. A letter to Congress from a great number of those institutions in October 2009 stated that:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted

by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

If I were to translate that last phrase into layman's terms, it would basically mean if you are saying anything different, we should be looking for your motives.

This letter was signed by the heads of the following organizations: the American Association for the Advancement of Science, American Chemical Society, American Geophysical Union, American Institute of Biological Sciences, American Meteorological Society, American Society of Agronomy, American Society of Plant Biologists, American Statistical Association, Association of Ecosystem Research Centers, Botanical Society of America, Crop Science Society of America, and a great many others.

These are highly esteemed scientific organizations, and they don't think the jury is still out on climate change. They recognize that, in reality, the verdict is in, and it is time to act.

Over the weekend, Dr. Richard Muller, professor of physics at the University of California-Berkeley, and also director of the Berkeley Earth Surface Temperature Project, and a former MacArthur Foundation Fellow—a so-called genius grant award winner—revealed in a New York Times op-ed how he has become a converted climate skeptic. He cites findings from his research, which ironically was partially funded by the Koch brothers, that the Earth's land temperature has increased by 2½ degrees Fahrenheit in the past 250 years and 1½ degrees over the past 50 years. He states:

Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.

Unfortunately, human emission of greenhouse gases is on the rise. In 2011, the famed Mauna Loa Observatory documented the biggest annual jump yet in carbon dioxide. A monitoring station in the Arctic this year measured carbon dioxide at 400 parts per million for the first time, which is 50 parts per million higher than the maximum concentration at which scientists predict a stable climate. Of course, 400 parts per million is way outside the 170 to 300 parts per million bandwidth that has existed on this planet for the past 8,000 centuries. For 800,000 years, we have been between 170 and 300 parts per million, and now in the bellwether leading-edge Arctic area, we cracked 400 in our climate.

A 2012 report by the IPCC concludes that climate change increases the risk of heavy precipitation. Rhode Islanders are no stranger to heavy precipitation. In 2010, we saw flooding that exceeded anything we have seen since the 1870s, when Rhode Island first started keeping records. At the height of the rains, streets in many Rhode Island cities and towns looked more like rivers than roads. Local emergency workers sailed down Providence Street, a main road in West Warwick, by boat and jet skis—down a main road on boats and jet skis—in order to assist residents trapped by the floodwaters. Of course, we cannot link that exact storm to climate change, but we know that climate change is increasing the risk of extreme weather events like this one. It is loading the dice for more and worse storms.

As a New Englander, I was concerned by a report released this week by Environment America, titled ''When It Rains, It Pours.'' The report found that in New England ''intense rainstorms and snowstorms [are] happening 85 percent more often than in 1948. The frequency of intense rain or snowstorms nearly doubled in Vermont and Rhode Island, and more than doubled in New Hampshire.'' Not only are these inundations happening more often, but the largest events are actually dumping more precipitation—around 10 percent more on average—across the country. For States such as mine, these storms are dangerous, expensive, and cause lasting damage.

We are moving down a troublesome and unknown path. The best we can do now is to prepare for dramatic environmental shifts. We must look to science and scientists and use the best available data to protect and prepare both our natural and built environments, which sustain us and our economy. Ensuring the integrity of our infrastructure in the face of a rapidly changing climate is essential. I want to focus for a minute on that infrastructure. Coastal States face a particularly unique set of challenges, so the infrastructure challenge for Rhode Island is worse than many places. We face what I call a triple whammy, as we must adapt not only to extreme temperatures and unusual weather but also to sea level rise.

As average global temperatures rise, less water will be stored in snowpack and on the ice sheets of Antarctica and Greenland. We also know that at higher temperatures water expands to greater volume, so that leads to a sea level rise, which is predicted to range from 20 to 39 inches by 2100, with recent studies showing that the numbers could be even higher due to greater than expected melting of glaciers and ice sheets. This is not a theory. We are into the realm of measurement.

Long-term data from tide gauges in the historic sailing capital of Newport, RI, show an increase in average sea level of nearly 10 inches since 1930. At these same tide gauges, measurements show that the rate of sea level rise has increased in the past two decades compared to the rate over the last century. This is consistent with reports that since 1990 sea level has been rising faster than the rate predicted by models used to generate IPCC estimates.

Sea level rise is one thing, and the increase in storm surges that will accompany it is even worse and promises to bring devastation to our doorsteps. Critical infrastructure in at-risk coastal areas—roads, powerplants, wastewater treatment plants—will need to be reinforced or relocated. Additionally, our estuaries, marshes, and the barrier islands that act as natural filtration systems and buffers against storms will be inundated, with little time or space to retreat and move inland as they have in the past. The oncoming weather is coming on too fast.

One consequence of rising sea levels is that local erosion rates in Rhode Island have doubled from 1990 to 2006, and some freshwater wetlands near the coast are transitioning to salt marsh. Increased sea level and erosion puts critical public infrastructure at risk. In one example, we have a small but vibrant coastal community, Matunuck, where beaches have eroded 20 feet over the past 12 years. The town has to face difficult decisions as the only road connecting about 1600 residents and several restaurants and businesses is protected now by less than a dozen feet of sand from the ocean. This road, which provides access for emergency vehicles and lies on top of a water main, must be protected. But what are the costs of protecting this piece of road for areas nearby or farther down the shore? Often when you protect one area of beach from erosion by hardening or altering the shoreline, you do so to the sacrifice of other areas. It takes science and data to sort out how to do that right.

These are not easy decisions for communities. To best protect infrastructure and the communities and families who live in these at-risk areas, we have to, as a nation, plan ahead. We have to use the best and most reliable science, and we have to be able to prioritize adaptation efforts.

In North Carolina, the State legislature considered a measure that would have severely restricted the ability of their Coastal Resources Commission to employ scientific estimates of future sea level rise. That is the ultimate case of the ostrich burying its head in the sand—in this case, the beach sand. This type of thinking will cost money and lives in the future.

In Rhode Island, we are taking a different approach.

We have to if we want to protect public health and safety. Rhode Island has 19 ''high hazard'' dams that have been deemed ''unsafe'' by our Department of Environmental Management. We have 6,000 onsite waste water treatment systems located near the coast, several landfills that may be susceptible to coastal erosion and evacuation routes that could be underwater as sea levels rise.

In 2008, our Coastal Resources Management Council adopted a climate change and sea level rise policy to protect public and private property, infrastructure, and economically valuable coastal ecosystems. The policy states the following:

The Council will integrate climate change and sea-level rise scenarios into its operations to prepare Rhode Island for these new,

evolving conditions and make our coastal areas more resilient.

It is the Council's policy to accommodate a base rate of expected 3–5 foot rise in sea level by the year 2100 in the siting, design, and implementation of public and private coastal activities and to insure proactive stewardship of coastal ecosystems under these changing conditions. It should be noted that the 3–5 foot rate of sea-level rise assumption embedded in this policy is relatively narrow and low. The Council recognizes that the lower the sea level rise estimate used, the greater the risk that policies and efforts to adapt sea-level rise and climate change will prove to be inadequate.

This policy is already helping the State make smart decisions. For example, when a new pump station was needed at a sewage treatment plant, CRMC looked at sea-level rise models before determining where it should go, avoiding future relocation costs or malfunction in the face of flash flooding and sea level rise.

In 2010, our general assembly created the Rhode Island Climate Change Commission to study the projected impacts of climate change on the State, develop strategies to adapt to those impacts, and determine mechanisms to incorporate climate adaptation into existing state and municipal programs. A draft progress report from the Commission lists many ways the state is planning to adapt to climate change, including: Creating a ''Structural Concept and Contingency Plan to Inundation of the Ferry Terminals and Island Roadway Systems''; creating the ''Central Landfill Disaster Preparedness Plan''; national grid, our electricity and natural gas utility, undertaking a ''Statewide Substation Flooding Assessment''; the Army Corps of Engineers, FEMA, and the Rhode Island Emergency Management Agency conducting a ''Hurricane and Flooding Evacuation Study''; and the list goes on and on.

In the town of North Kingston, RI, they have taken the best elevation data available, and modeled 1, 3, and 5 feet of sea-level rise, as well as 1 foot of sea-level rise plus 3 feet of storm surge. By overlaying these inundation models on top of maps identifying critical infrastructure such as roads, emergency routes, railroads, water treatment plans, and estuaries, the town will be able to prioritize transportation, conservation, and relocation projects. They are also able to quantify the costs of sea-level rise. In one small area of the town, 1 foot of sea-level rise would put two buildings, valued at $1.3 million, underwater. Five feet of sea-level rise, however, jeopardizes 116 buildings valued at $91 million.

Similarly, by modeling how sea-level rise will impact estuaries, towns can preserve areas that will stay wetlands or undeveloped areas that will become wetlands in the future, as opposed to areas that will be lost. Estuaries act as nurseries for our hugely valuable fisheries, and protect our homes, buildings and communities from storm surge. There is already limited funding to protect these important ecosystems and this kind of planning promotes efficiency in spending.

Let me close by saying that it is now well past time for us as a country to start making policy that helps us adapt to the emerging scientific reality that our actions indeed do affect our environment. For those of us who are ocean States, the state of our oceans and coastlines is particularly significant, and I urge my colleagues to support our National Endowment for the Oceans, which got all the way into the conference committee on the highway bill before it was taken out in an unfortunate, unwise, and, frankly, unfair maneuver.

We are at a place now where nature could not be giving us clearer warnings. Whatever higher power there is—and we each have our own beliefs on that—that higher power that gave us our advanced human capacity for perception, for calculation, for analysis, for deduction, and for foresight has laid out before us more than enough information for us to make the right decisions. Only a wild and reckless greed or a fatal hubris could blind us to the distress signals coming from our oceans, our atmosphere, and our world. Fortunately, these human capacities still provide us everything we need to act responsibly but only if we will.

I thank the Presiding Officer, and I yield the floor.

EXECUTIVE SESSION

NOMINATION OF GERSHWIN A. DRAIN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER (Mrs. McCASKILL). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Gershwin A. Drain, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, earlier this week, Senate Republicans followed through on their partisan opposition to the President by slamming the door on a highly qualified, consensus circuit court nominee with bipartisan support. It was the first time in history that a circuit court nominee reported with bipartisan support from the Judiciary Committee was successfully filibustered. Judge Robert Bacharach, who was nominated to the Tenth Circuit Court of Appeals, had had the strong support of his Republican home State Senators, Senator COBURN and Senator INHOFE. Unfortunately, they chose not to vote to end the unprecedented filibuster of his nomination and cloture fell just short. This deprived the people of Oklahoma and the Tenth Circuit of an outstanding judge who could today be serving the American people as an appellate judge. The Bacharach nomination is one of the many judicial nominees ready for final action by the Senate but being delayed by Republican opposition.

There was an article in the Washington Post this morning entitled ''A Bench with Plenty of Room'' about the judicial vacancies being perpetuated by partisanship all to the detriment of those seeking justice in our Federal courts. It notes that a lower percentage of President Obama's nominees have been confirmed than had been during the Bush administration and that at this point during the Bush Presidency there were only 28 judicial vacancies. It observes that ''Obama, with 78 vacancies, may be the first president in decades to end his first term with more judicial vacancies than when he began.'' We can change that if Senate Republicans will cooperate in the consideration of the 23 judicial nominees on the Senate Executive Calendar awaiting a final, up-or-down confirmation vote. I ask that a copy of that article be printed in the RECORD.

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

[From the Washington Post, Aug. 1, 2012]

A BENCH WITH PLENTY OF ROOM

The Senate's rejection Monday of Oklahoma Magistrate Judge Robert Bacharach for a U.S. Court of Appeals seat sent a clear message to the three other appellate nominees hoping for a vote on the Senate floor:

Fuhgeddaboudit.

Ditto for 16 U.S. District Court nominees also pending in committee. The odds of judicial confirmations after this August recess are exceptionally slim—at best. The Cubs will win the pennant before you'll be putting on the black robes.

No nominees were confirmed after the August recess when President Bill Clinton was running for reelection in 1996 and only three when President George W. Bush was running for a second term in 2004—although five got in during the lame-duck session.

Still, a whopping 13 George H.W. Bush nominees, including two for appellate seats, were confirmed after the August recess in 1992, according to Senate Judiciary Committee statistics.

Four Clinton judicial picks were confirmed after the recess in 2000, when Bush II and Al Gore were running, and 10 Bush judges were confirmed during the race between Barack Obama and John McCain, the committee reports.

So with the numbers pretty much set, let's recap.

President Barack Obama, who started off slowly in getting nominations up to the Senate, never fully caught up. He's nominated fewer judges (200) than either Bush (228) or Clinton (245) on Aug. 1 of their fourth year in office, according to committee statistics.

At the same time, the Senate has confirmed a smaller percentage of Obama nominees than Clinton nominees—78 percent, compared with 80.8 percent—and a much smaller percentage than in the Bush administration (86.4).

As a result, Obama, with 78 vacancies, may be the first president in decades to end his first term with more judicial vacancies than when he started.

At this point in their first terms, Clinton had 58 judicial vacancies and Bush had 28. (The latter figure is pretty much full employment.)

Liberals have criticized Obama for not having pushed harder for his nominees, noting that Bush issued a lengthy statement at a 2002 news conference blasting ''a handful'' of Senate Democrats for holding up his judicial nominees because they ''fear the outcome of a fair vote in the full Senate.''

''The Senate has an obligation to provide fair hearings and prompt votes to all nominees,'' Bush said, ''no matter who controls the Senate or who controls the White House.'' Obama did, however, mention Senate delays in a State of the Union address and in a Saturday radio address, we were told. And Senate Judiciary Chairman Patrick Leahy (D-Vt.) intends to keep moving nominees this fall. Well, who knows? Deals are always possible.

But, after those recess appointments of the consumer finance watchdog and some labor folks in January, furious Republicans are not feeling particularly cooperative on appointments.

Mr. LEAHY. The Senate Republicans who took the floor earlier this week relied on their distorted application of the Thurmond rule in seeking to justify their unprecedented filibuster of Judge Bacharach's nomination. The truth is that Senate Republicans are trying to find an excuse for their partisan inaction that is stalling almost two dozen judicial nominees.

We now have a President who has worked with home State Senators to select moderate, superbly qualified judicial nominees. Yet Republicans who support these nominees will not vote to end filibusters against them and will not stand up to the partisan obstruction. I am proud of my record of working to lower vacancies and to move nominations whether there is a Republican or Democratic President and of my role ensuring that nominees are treated fairly and that the rights of every Senator are protected in the Judiciary Committee. But this is not about me. This is about the American people. This is about ensuring that they have functioning courts so they have access to justice.

With our Federal courts still severely overburdened, I hope that Senate Republicans will consider the needs of the American people. We need to do better, filling vacancies to ensure a functioning democracy, functioning courts, and do our job for the American people.

There are currently 19 district court nominees who have been reported favorably by the Judiciary Committee who can be voted on right now, almost all of them completely noncontroversial with significant bipartisan support. Of the 19 district court nominees currently pending on the floor, 16 were supported by nearly all Republicans on the committee. All have the support of their home State Senators, including eight with Republican home State Senators.

The reason for this extensive backlog of nominees is that Senate Republicans have allowed for votes on just one district court nominee per week for the last 7 weeks. We cannot allow this slow pace of confirmations to continue with the judicial vacancy crisis that we face. There are currently 78 vacancies. Judicial vacancies during the last few years have been at historically high levels and have remained near or above 80 for 3½ years. Nearly 1 out of every 11 Federal judgeships is currently vacant. Vacancies on the Federal courts are more than 2½ times as many as they were on this date during the first term of President Bush.

In contrast to the dramatic reduction in judicial vacancies during President Bush's first term, judicial vacancies are higher than they were when President Obama came into office—another sad first.

We have heard lots of excuses from Senate Republicans, who have tried to shift the blame for the judicial vacancy crisis to the President. They claim that the President has not made enough nominations. However, there are 19 outstanding district court nominees who can be confirmed right now who are being stalled. Let's act on them. Let's vote them up or down.

The Senate should proceed to confirm all 19 district court nominees who are ready for final confirmation votes. I know we can do this because we have done this before. On November 14, 2002, the Senate proceeded to confirm 18 judicial nominees on 1 day, and vacancies went down to 60 throughout the country. If we confirm the 19 district nominees ready for final Senate action today, we can reduce vacancies down to 60 as well. I hope that Senate Republicans will not extend their wrong-headed Thurmond rule shutdown to the confirmation of consensus, well-qualified district court nominees. Given our overburdened Federal courts and the need to provide all Americans with prompt justice, we should all be working in a bipartisan fashion to confirm these nominees.

Today, the Senate will vote on the nomination of Gershwin Drain to fill a judicial emergency vacancy in the U.S. District Court for the Eastern District of Michigan. Judge Drain has the strong support of his home State Senators, Senator LEVIN and Senator STABENOW. His nomination was reported favorably by the Judiciary Committee 4 months ago.

Judge Drain has been a State and local trial court judge in Michigan for over 25 years, with jurisdiction over both civil and criminal matters. In that time, he has presided over approximately 600 cases that have gone to verdict or judgment after trial. The ABA Standing Committee on the Federal Judiciary has unanimously rated Judge Drain as ''qualified'' to serve on the U.S. district court.

Currently a trial judge on the third Circuit Court of Michigan, where he has been presiding since 1997, Judge Drain has also served on the Recorder's Court for the City of Detroit for a decade. Prior to that, he served briefly as a judge for the 36th District Court of Michigan. Before becoming a judge, he was a trial attorney for the Federal Defenders Office for nearly a dozen years, where he tried over 140 cases to verdict or judgment. Judge Drain's vast experience as both a judge and a litigator makes him well prepared to take the Federal bench.

There are some Senators who have expressed concerns about Judge Drain's views based on a few isolated public statements that Judge Drain made more than a decade ago. However, Judge Drain's 25 years on the bench demonstrate that he is more than capable of being a fair and neutral judge who faithfully applies the law. His experience presiding over 600 civil and criminal matters provides further assurance that he makes his decision based on the law and nothing more.

Mr. GRASSLEY. Mr. President, I rise in opposition to the nomination of Gershwin A. Drain, to be U.S. district judge for the Eastern District of Michigan. Judge Drain, currently serving as a Michigan State court judge, was reported out of committee on a 10 to 8 vote. He could hardly be described as a consensus nominee.

Even as we turn to the 155th nominee of this President to be confirmed to the district and circuit courts, we continue to hear unsubstantiated charges of obstructionism. The fact is, we have confirmed over 80 percent of President Obama's District nominees. That exceeds the percentage for President Bush at this stage in his Presidency.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have already exceeded those numbers. We have confirmed 5 circuit nominees, and Judge Drain would be the 28th district judge confirmed. That is a total of 33 judges this year versus 28 in the last Presidential election year. Again, there is no credible basis to argue that this President is being treated differently.

With regard to Judge Drain, I will not take the time to mention every aspect of his record that I find troubling, but I do want to highlight some of my concerns.

In 1994, Judge Drain wrote an article that was published in the Michigan Chronicle concerning the second amendment and the right of American citizens to own and possess firearms. Judge Drain wrote that he ''envisions a day when the National Rifle Association with its lobby will not be feared, and that legislators and congressman will stand up strong against them instead of bowing down to them.'' He also wrote that he ''looks forward to the time when a person with a gun will be viewed as a coward or a chicken.''

I would note that it is not as if Judge Drain was a young and inexperienced lawyer when he took this view. On the contrary, he wrote this article after he had been serving as a judge for approximately 7 years. I recognize that Judge Drain told Senator LEE at his hearing that, if confirmed, he would follow the precedent in McDonald and Heller. But, I also know that when individual has such strong and well-established views on a particular subject, it can be very

difficult for them to set aside those strongly held views.

Judge Drain also has very strong views regarding his opposition to the death penalty. In an article he authored in the Detroit News, he referred to the death penalty as a ''primitive punishment that is brutal and barbaric.'' He also said that deterrence was ''the only reasonably legitimate argument for killing the convicted,'' but he said deterrence was actually a ''myth.'' Now, at his hearing, Judge Drain said that he wrote that article many years ago and he no longer holds to that position. But again, given how Judge Drain appears to have held very strong views on this issue, I am concerned that he would not be able to completely set those views aside.

His views on criminal sentencing concern me as well. Judge Drain has been strident in his opposition to mandatory sentences. He once wrote that, as a judge, ''one of my unpleasant tasks on occasion is to impose mandatory sentences.'' On another occasion, he expressed admiration for judges who refuse to hear drug cases where the law would require them to impose mandatory sentences. He called the judges who refuse such cases ''courageous.'' In my view, judges should accept the cases that are assigned to them, and it is their duty to do what the law requires of them. If they are unable to do that, then they should not be a judge.

At the State level, he urged his legislature to eliminate mandatory sentencing. At the Federal level, he criticized President Clinton's ''three strikes and you're out'' legislation.

At his hearing, I asked him about his views on sentencing. I appreciate that he acknowledged that his obligation is to follow the law. And then he added, ''The fact that I wrote some side comments about [sentencing], really shouldn't have anything to do with my decision-making, and is really kind of irrelevant or unimportant to me.''

However, Judge Drain's articles and comments are not irrelevant. As I evaluate the nominee, I have to be comfortable that he will be able to set aside his strongly held personal views and do what the law requires. Unfortunately, I am unable to reach that conclusion. I am sure Judge Drain is an admirable man, but I am unable to support him for the Federal bench.

Judge Drain received his B.S. from Western Michigan University in 1970 and his J.D. from the University of Michigan Law School in 1972. Upon graduation, he clerked for the Michigan Third Circuit Court judges. In 1973, Judge Drain worked as an attorney for a year in the department of transportation in Detroit. There, he handled property damage and minor personal injury cases. From 1974 to 1986, he worked as a Federal public defender in Detroit on felony cases. He handled cases where defendants were charged with a variety of crimes, including drug violations, bank robberies, counterfeiting, mail theft, interstate transportation of stolen property, and gun charges.

In 1986, Judge Drain was appointed to the 36th District Court for the city of Detroit. There, he had jurisdiction over traffic violations, landlord-tenant disputes, misdemeanors, and civil cases where the amount in controversy was less than $25,000. In 1987, he was appointed to the Recorder's Court for the city of Detroit, where he presided over felony prosecutions.

Judge Drain was elected to the Third Circuit Court of Michigan in 1997, where he presided over felony prosecutions in Wayne County until 2000. In 2000, he became a civil judge in the Third Circuit and presides over State civil cases where the amount in controversy exceeds $25,000.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I don't intend to talk about the nomination, but I have talked to my friend from Michigan about this, and I would ask unanimous consent that my time come from the Republican time on the nomination discussion.

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

CYBER SECURITY

Mr. BLUNT. I rise today on two topics. One, I want to say that while I don't agree with everything my good friend from Rhode Island just said about the issue he was talking about, the two of us have worked all this year to try to bring people together on the issue we failed to deal with today on cyber security.

Senator WHITEHOUSE and I, along with Senators KYL and MIKULSKI, at the very first of the year began to create opportunities for Senators to sit down together and talk about the threat we face and talk about what we need to do to deal with it. I am convinced and I believe all the people I just mentioned are equally convinced that two things will happen: No. 1, we will eventually have a cyber attack on our country that will be successful in some way that many Americans will understand the danger we face from the cyber threat and, No. 2, that we will eventually pass a bill. My strong belief is that will be a better bill if we pass it before that event rather than after that event.

Mr. WHITEHOUSE. Madam President, may I simply interject, with the Senator's permission, to say how much of a pleasure it has been to work with him on this issue and to say that I think a great number of Senators on both sides of the aisle have worked in very good faith to get to a point where we can pass a bill. And I pledge to him, despite the unfortunate outcome of today's cloture vote, that I am committed to continuing to work with him, Senator KYL, Senator GRAHAM, Senator MCCAIN, and others—I guess Senator CHAMBLISS—on the other side of the aisle so we can indeed take the necessary steps to protect our Nation from this threat. But I say this with a strong consciousness of the very good will and the very hard work Senator BLUNT put into this effort and with great appreciation to him personally.

I yield the floor.

Mr. BLUNT. I thank my friend from Rhode Island, and I think we can move forward. I think there is good faith.

As I said, we started—the four of us—beginning to get people together. That group was quickly joined by Senators COLLINS and LIEBERMAN, so then six of us began to get people together. There were any number of meetings this week with about two dozen Senators, about equally divided between both parties, trying to find a way forward. I didn't think we found that in the cloture motion today. The motion said: Here is how we are going to proceed to finish the bill, and so we didn't move forward today. But I hope we can continue to work with Senator REID and others to create the sense that Senator WHITEHOUSE just expressed, that there is great bipartisan effort being made to find a solution that not only would pass a Senate bill but would wind up with a bill on the President's desk sometime this year.

You don't have to look very far to find people who will say that the greatest threat we face at this moment is the threat of some kind of cyber attack. At the highest levels of our military structure, of our intelligence structure, they quickly come to that conclusion. And leaving here for the work period in August that Congress has had since the beginning of Congresses without having this done on the Senate side is disappointing to me.

On the other hand, there wouldn't have been a bill even if we had passed a bill today because we have to work with the House to have a bill that winds up with a piece of paper on the President's desk—a relatively small stack of paper—that he can sign and that then becomes the law that allows us to either minimize or hopefully avoid the current certainty that someone will eventually begin to get to our critical infrastructure in a way that makes it hard for the country to get water, to get electricity, to communicate, or to address the financial network. You know, 3 or 4 days anywhere in the country where the electricity is out, suddenly you begin to see all of the things that are dependent on just the electrical grid alone.

Hopefully we can do this. I know work is being done. I will be involved in some of it later today. As I said, I am disappointed we didn't get this done, but it has to be done. We can't leave here this year with the House saying ''we passed a bill'' and the Senate saying either ''we didn't pass a bill because one side didn't want to work with the other'' or ''we passed a bill, but the House wouldn't agree to it.'' This is not a problem that we just need to have a political answer to; this is a problem we need to have a real answer to.

IRAN SANCTIONS

What I also came to the floor to talk about today is something we actually managed to get done just a few days ago when the Senate passed the House-passed Iran Threat Reduction and Syria Human Rights Act. This is one thing people who don't agree on much of anything else in the House and Senate can figure out how to agree on. This bill, while I think it could have been a little stronger, was still a strong effort to reach a conclusion that hopefully the President will sign as soon as possible and send the right message to Iran that even amid our vigorous disagreements on all these other issues, including something as important as cyber security, Congress stands united against Iran developing nuclear capacity.

Let me give some of the highlights of the bill. This would create strong new measures on any entity that invests in Iran's petroleum, petrochemical, or natural gas sector, strong measures against any entity that provides goods, services, and infrastructure or technology to Iran's oil and natural gas and any entity that provides refined petroleum products to Iran.

Iran is an economic basket case. They have all this oil, but they can't turn enough of it into gasoline for their own country because of the kind of government under which they are suffering.

Again, this bill would create new, strong measures against any company or entity that insures or reinsures investments in Iran's oil sector; that engages in joint ventures with the National Iranian Oil Company; that provides insurance or reinsurance to the National Iranian Oil Company or the National Iranian Tanker Company; that helps Iran evade oil sanctions through reflagging or some effort that tries to hide the real source of oil coming from Iran; that sells or leases or otherwise provides tankers to Iran; that transports crude oil from Iran concealing the origin of Iranian crude in any way. These are good measures that strengthen what we have been doing, and what we have been doing is having some impact. I believe we need to have more impact because the result would be so unacceptable if Iran successfully gets a nuclear weapon.

The bill prevents Iran from bringing money back when it sells oil in other countries. Now, 80 percent of their hard currency comes into the country that way. So we would say that can't happen. And 50 percent of all the money that runs the government comes in that way. When the President signs this bill, we are saying this shouldn't be allowed to happen. It also prevents the purchasing of Iranian sovereign debt.

I have been working on this issue for a long time. In 2006 I worked with my colleagues in the House and Senate and the administration to secure the first Iran Freedom Support Act, which updated the Iran sanctions law and put into law many of the things we have been doing. This bill, along with that bill, addresses problems we need to be concerned about as a country.

Late last year the Senate passed an amendment to the Defense bill, 100 to 0, to block Iran's access to global capital markets. Foreign banks that do business with Iran's banks won't be able to do business with the U.S. financial system.

Nobody disputes what a nuclear Iran would mean to the world. Iran is currently led by a man who has called for the destruction of our ally Israel. Iran's government funds and supports terrorist organizations and regimes all over the Middle East that threaten American allies and interests and American citizens. The Iranian regime is dangerous, it is undemocratic, it treats its own people brutally, and it associates itself with other countries that do the same thing. North Korea, Venezuela, and Syria are allies of Iran. What does that tell us? We can sometimes tell a lot about a country by the few friends it has left in the world. Iran bankrolls Hezbollah and has strong financial ties with Hamas. Remember, this is a country that can't even produce their own gasoline, even though they send oil out every day, because they are focusing on nuclear activities when they have so many other needs. So there is no reason to believe a nuclear Iran would not be a threat to the United States.

Some of our country partners in that region, such as Turkey, feel they have to develop nuclear programs if Iran does.

The Iranian people, many of whom advocate for freedom and demonstrated their bravery in the 2009 uprisings, are not our enemies. This government, however, is our enemy, and this government should not be allowed to have a nuclear weapon.

We are going to have to work together to more vigorously persuade countries such as Russia and China that their ties with Iran aren't in the best interest of the world. We have to work to encourage our European allies to accept some further risk as they also continue on the path they are on to make these sanctions work better.

I understand there is some risk here, but the Senate—which doesn't agree on a lot of things—agrees that an unacceptable conclusion to what is going on in Iran right now would be a nuclear Iran.

I urge the President to sign this bill to implement the provisions as quickly as possible and to work with other countries in the world to see that we all advance the interests of peace by insisting that Iran not continue on the course it is on.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am very pleased that the Senate is now taking up the nomination of Gershwin Drain to be a judge on the Eastern District Court of Michigan.

Judge Drain has an impressive legal career. He graduated from the University of Michigan Law School and then went on to earn a master's of judicial studies degree in 1991. He has served with distinction as a trial judge for over two decades in all three of our trial courts, from the lowest court, which is a so-called district court, to the recorder's court and the circuit court.

He has demonstrated a career-long dedication to helping the people understand how our legal system works. As a longtime columnist for the Michigan Chronicle newspaper, he has explained often-complex legal issues in language accessible to lay readers, broadening understanding of and appreciation for our courts. Beyond his writing, Judge Drain has been very active in the community, including membership on the education committee of the Southfield Christian School Board.

It is important to note that the confirmation of Judge Drain would help to remedy the judicial emergency in the Eastern District of Michigan. Vacancies and caseloads in the Eastern District meet the Federal judicial system's definition of an emergency. These judicial emergencies lead to delays and, even worse, to the risk of rushed judgments that could deprive Americans of the impartial justice that is so much a necessary component of our democratic system of government.

Judge Drain was asked about some of his past writings and statements during his confirmation hearing at the Judiciary Committee on such issues as capital punishment and mandatory minimum sentences. He indicated that some of those views—some of them decades ago—have evolved. He was candid in saying where they have changed. I don't agree with everything Judge Drain said 20 years ago, but nonetheless, without the slightest hesitancy, Senator STABENOW and I have recommended him to be a judge on the Eastern District Court for Michigan.

The test of his fairness has been shown by the fact that he has served with distinction for over two decades on trial courts. Another test of his fairness is how the legal community feels about Judge Drain.

Senator STABENOW and I have appointed a judicial advisory commission to make recommendations to us for the judicial positions we have on the Federal district courts. His nomination was the result of an examination by and consideration of a host of people interested in being Federal court judges in the Eastern District. His competition was great. There are literally dozens of qualified people whom we considered—more accurately, our judicial advisory commission considered—to recommend to the President for nomination. He was one of the persons they recommended. This is a commission we have appointed in order to remove the nominees whom we recommend to the President, as much as we can, from partisan politics and to

put them instead under consideration to be a judge with great objectivity. We have a broadly based commission. I think the best test of his fairness and objectivity and his ability to judge people not based on anything other than the merits of the case in front of him is testified more than anything to by the fact that the broadly based judicial advisory commission recommended his nomination to us as one of the people to be considered, and we recommended him to the President.

The American Bar Association has also spoken on this issue. He has been recommended unanimously as qualified for the Federal bench by the Standing Committee on the Federal Judiciary of the American Bar Association.

So we are in a position here where we have a judicial emergency on the Eastern District Court. We have a situation where the delays that result deprive Americans of what they are entitled to. We have a nominee who has been recommended by a broadly based commission that Senator STABENOW and I have appointed. He has been given a unanimous rating of ''qualified'' by the American Bar Association. And I think his commitment has been shown not just by his decades of service as a trial judge but by the way he answered the questions in his confirmation hearing. He said—and he has shown this in practice—that ''my personal beliefs, both past and present, have no bearing on the decisions I make in court.'' The notion that he would insert his own personal judgment in place of the law is contradicted by not just his testimony but by a record of decisions that indicate he abides by the concept of judge as impartial arbiter.

Senator STABENOW and I strongly urge our colleagues to confirm Judge Drain. We hope that can happen in the next hour.

Madam President, I yield the floor and ask that the time between now and the time for voting be equally divided between the majority and the minority.

The PRESIDING OFFICER. Without objection, it is so ordered. The quorum call will be equally divided.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

POLITICIZING ISRAEL

Mr. LAUTENBERG. Madam President, I rise today out of disbelief with the rhetoric coming from Republicans and their Presidential candidate concerning the U.S. relationship with Israel. Frankly, it pains me to see that a political trip to Israel is carried with a message to scare the Israelis that President Obama and this administration are not as fast and as complete as they are.

I have had numerous trips to Israel. One was the 6-day war in 1967, when the Israelis had battled with the Egyptians, and I got there shortly after the guns stopped shooting. I went to the Sinai Desert and watched the Israelis on guard while the Egyptian soldiers were carrying necessary items, such as water and food, for their people. I was reminded then that the Israelis always have to be on guard. They are never free to go about their domestic interests and problems without having one eye open to make certain the rockets that are being aimed at them aren't going to tear their people apart again, as their people have experienced—the worst of human relations, a blight on mankind which can never be forgotten, and the Israelis remember it very clearly.

Unfortunately, Republicans want to use our relationship with Israel as a political game, which is terrible for America's national security and bad for Israel. The implication that we are weak in our support for Israel is foul play and encourages Israel's enemies to look and say: Well, maybe America is not as solid on its support of Israel, because Mr. Romney, when asked the question about what he would do differently with Israel, says he would do just the opposite of what President Obama has done.

We have built a relationship between our countries that is firm and unshakable since 1948. To try to clumsily interfere with that is shameful. Republicans are distorting the state of U.S.-Israel relations for political gain and sending the wrong signal to the rest of the world.

When you listen to the Republicans—especially their Presidential candidate, Mitt Romney discuss Israel, reality is often replaced with distortion and fantasy. Mitt Romney says President Obama has not been a friend of Israel. That couldn't be any further from the truth. When we examine the record, it is clear that President Obama shares my convictions about the enduring bond between Israel and the United States. It is clear that there is no greater friend to Israel than this President.

But you don't have to take my word for it. Here is a chart that carries a message from a distinguished leader in Israel, the Israeli Defense Minister, Ehud Barak. He says very clearly:

> [T]his administration under President Obama is doing in regard to our security more than anything that I can remember in the past.

He made certain that it is quite understood that the relationship with Israel and America is solid and well-balanced. This is coming from, as I said, a distinguished, decorated military leader. He helped plan the historic raid on Entebbe to rescue Israelis who were held in a grounded airplane. He understands Israel's security.

Israeli Prime Minister Benjamin Netanyahu has called the Obama administration's security policy for Israel ''unprecedented.'' But if you listen to Republicans over here in the United States, they say we have all but abandoned Israel's security. They are encouraging hostile neighbors with their misrepresentations. Shame on them.

Governor Romney in particular has demonstrated frightening ignorance about Israel and its security needs. The prime example of this behavior is the Republican Presidential nominee's complete inability to articulate what exactly he would do differently than President Obama. When asked about what his policy regarding Israel would be, and I have to quote him here, he said: ''I'd look at the things the President has done and do the opposite.''

What a threatening statement that is. He said he wants to do the opposite of President Obama. So let's look at what that would mean. Obama blocked Palestinian statehood when it was brought up in the U.N. He had a big fight on his hands to keep that from happening. So that means Romney, as President, would allow Palestinian statehood in the U.N. He said he is going to do the opposite.

Record high U.S. aid for Israel? Romney is going to do the opposite. That means he has to lower the U.S. aid for Israel.

Obama says all options on the table for dealing with Iran are there. That means that Mitt Romney, if President, would only use ''containment'' of a nuclear Iran as his yardstick for dealing with this incredible problem.

So, everybody, beware. Israelis, beware. Don't be taken in by this and don't let people in America be taken in by this. They know that Israel is America's best friend.

Last September, when the Palestinian Authority aggressively pursued a U.N. vote on statehood, that is when President Obama stood strong and blocked it. If we are to believe Mitt Romney, however, as indicated here, he would have allowed this unilateral action on Palestinian statehood to proceed.

Just a few days ago, President Obama signed into law a new bill that will strengthen U.S. security with Israel even further. But again, if we are to believe Mitt Romney, he would have lowered Israeli aid and weakened, thusly, Israel's defenses against the threats it constantly faces.

And last, President Obama has stood absolutely firm in his call to stop Iran from development of a nuclear weapon. The Obama administration has been clear that all options are on the table to prevent Iran from becoming a nuclear threat to its neighbors. President Obama has put in place the strongest sanctions ever against Iran, sanctions that have punished and isolated Iran more than ever before. If we are to believe Mitt Romney here as well, under President Romney America's policy toward Iran would be one of accepting a nuclear-armed Iran that threatens Israel's—and the world's—very existence.

The bottom line is this: These are not simple problems and they will require real leadership to tackle. We cannot play games with America's best friend. Israel continues to be threatened by rockets launched by Hamas from the Gaza Strip. Iran appears intent on developing a nuclear weapon and is the foremost state sponsor of terror. But instead of approaching these issues with the careful consideration they deserve, the Republicans seem intent on twisting reality for political gain.

We see it on the domestic front, too. The Republican leader said—he said it here—his party's top priority is to make President Obama a one-term President, and they are using any pretense they can to establish that. Their top priorities, then, clearly do not include helping everyday Americans by creating jobs, improving our schools, or strengthening our health care system. If we take Mitt Romney at his word, they are certainly not aimed at doing what is in Israel's best interest. And when they simply wish for our President's failure, they are hurting America's chance for success.

When they fail to put forth any ideas of their own, they show themselves to be unfit to govern, unable to lead. Their mission, their primary mission is to bring down the record that President Obama has established. We have recaptured a lot of jobs. Still, we have a long way to go to get our economy in better motion than it is, but everybody knows we are working on it. We have seen remarkable growth in jobs in the automobile industry, which looked as though it might have ended up being unable to function in this country of ours.

The whole world knows that America's leadership depends on its domestic strength and not on casual political rhetoric that challenges America's loyalty to its friends.

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.

Ms. STABENOW. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise today to strongly urge my colleagues to support the nomination of an outstanding judge, Gershwin Drain, to the United States District Court for the Eastern District of Michigan. We will have an opportunity to vote in a few minutes. Senator LEVIN and I join together in the strongest possible recommendation to our colleagues on this nomination. I have known Judge Drain for many years. I can tell you he is a very impressive individual with a long record of excellent public service. He has served in the district court, the Detroit Recorder's Court and the Wayne County Circuit Court.

He is active in the community. When I am in the community and have the opportunity to be at events that are important for people, for families, for communities, for children, for economic development, Judge Drain is always there, supporting the efforts of Detroit and of Michigan.

He is of course dedicated to his incredible family, who I know is very proud of him, as we are. But don't take my word for it. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Drain ''qualified'' to serve on the District Court. He was named a ''Man Of Excellence'' by the Michigan Chronicle newspaper, and the Detroit News named him ''Michiganian of the Year''—both very prestigious recognitions in Michigan.

This is a very important judgeship that has been vacant for more than 2 years. It is important for people in Michigan and throughout the eastern district to be able to have the full measure of justice they expect and deserve when coming before the court. It is very important that we fill this vacancy.

I am appreciative and proud that the President of the United States has nominated him. I appreciate the support of the Judiciary Committee in bringing this nomination forward and the agreement to allow us to vote on this nominee.

Judge Drain has the qualifications, the experience, and the temperament for this very important position. I strongly urge my colleagues to support his nomination and to vote yes when it comes before us in the next few minutes.

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

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

The question is, Will the Senate advise and consent to the nomination of Gershwin A. Drain, of Michigan, to be United States District Judge for the Eastern District of Michigan?

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Sessions
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Coats	Manchin	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—41

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Murkowski
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Paul
Burr	Hoeven	Portman
Chambliss	Hutchison	Risch
Coburn	Inhofe	Roberts
Cochran	Isakson	Shelby
Collins	Johanns	Snowe
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Wicker
DeMint	Lugar	

NOT VOTING—4

Kirk	Rubio
Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

BURMESE FREEDOM AND DEMOCRACY ACT

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for S. 3326, a trade package that includes legislation sponsored by myself and Senator MCCONNELL to renew the import ban on Burma for another year.

I have been involved in the struggle for freedom and democracy in Burma for 15 years.

In 1997, former Senator William Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the democratic opposition.

President Clinton issued the ban in a 1997 Executive order.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003, which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time.

It was signed into law and has been renewed annually since then.

It expired on July 26 which is why this legislation is before us today.

In past years, the debate on renewing the import ban on Burma has focused

on more than two decades of violence, oppression, and human rights abuses by the ruling Burmese military.

They annulled the last free parliamentary elections won by Aung San Suu Kyi and the National League for Democracy.

They kept Suu Kyi in prison or under house arrest, detained hundreds of political prisoners, and ignored democracy, human rights, and the rule of law.

They drafted a new constitution that maintained the military's grip on power and prevented Suu Kyi and her party from participating in the political process.

But, I am pleased to report that this year is different. We have seen some remarkable changes in Burma over the past year which appear to have put Burma on the path of reform and rejoining the international community.

Hundreds of political prisoners have been released.

New legislation broadening the rights of political and civic associations has been enacted; and negotiations with ethnic minority groups have begun and some cease-fires have taken effect.

In addition, Suu Kyi and her National League for Democracy, NLD, were allowed to compete in by-elections for 45 open seats in the new parliament in April 2012.

Suu Kyi and the NLD won 43 of the 44 seats they contested.

For those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy, it was a thrilling and deeply moving event. Years of sacrifice and hard work had shown results—the people of Burma had spoken with a clear voice in support of freedom and democracy.

The United States has responded to this reform process in a number of ways.

Secretary Clinton traveled to Burma last December and met with Suu Kyi and President Thein Sein.

The United States and Burma resumed full diplomatic relations, with Ambassador Derek Mitchell becoming the first U.S. ambassador to Burma in 22 years.

Earlier this month, the administration announced that it was suspending U.S. sanctions on providing financial services to Burma and investing in Burma.

I supported these actions. It is entirely appropriate to acknowledge the steps Burma has already taken and encourage additional reforms.

Some may ask then: why stop there? Given the reforms, why renew the import ban?

The fact of the matter is, the reforms are not irreversible and the Government of Burma still needs to do more to respond to the legitimate concerns of the people of Burma and the international community.

First, it must address the dominant role of the military in Burma under the new constitution.

The military is guaranteed 25 percent of the seats without elections and remains independent of any civilian oversight.

In addition, the commander in chief of the military has the authority to dismiss the government and rule the country under martial law.

It goes without saying that such powers are incompatible with a truly democratic government.

Second, Burma must stop all violence against ethnic minorities. I am particularly concerned about reports that the Burmese military is continuing attacks in Kachin State, displacing thousands of civilians and killing others.

Third, the government must release all political prisoners.

I applaud the decision of the Government of Burma to release hundreds of political prisoners, including a number of high-profile democracy and human rights activists.

Yet, according to the State Department, hundreds more remain in detention.

Unfortunately, the Government of Burma maintains there are no more political prisoners. We must keep the pressure on Burma until all democracy and human rights activists are free and able to resume their lives and careers.

I believe that renewing this ban will help keep Burma on the path to full democratization and national reconciliation and support the work of Suu Kyi, the democratic opposition, and the reformists in the ruling government.

It will give the administration additional leverage to convince Burma to stay on the right path.

And the administration will still have the authority to waive or suspend the import ban—as it has suspended sanctions on investment and financial services—if the Government of Burma took the appropriate actions.

If we do not renew the import ban, however, and Burma backslides on reform and democratization, we would have to pass a new law to reimpose the ban.

By passing this legislation, we ensure that the administration has the flexibility it needs to respond to events in Burma as it as done so with financial services and investment.

Suu Kyi herself has argued that ''sanctions have been effective in persuading the government to go for change.''

I think renewing the import ban will push it to go further.

I urge my colleagues to support this bill.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

Mr. President, the bill we are considering this morning—the AGOA-CAFTA-Burma sanctions package—has several parts, but I want to focus on the very real impact that one provision will have on jobs in my home State of North Carolina.

This provision would make non-controversial technical fixes to the Dominican Republic-Central American Free Trade Agreement.

When the DR–CAFTA was first negotiated nearly a decade ago, the intention of all the parties was to preserve the benefits of tariff reductions on yarn for the countries at the negotiating table.

That is how the United States has traditionally negotiated the textile chapter of its free-trade agreements.

But when the DR–CAFTA was agreed to in 2005 an out-of-date definition for sewing thread was used that inadvertently allowed non-CAFTA nations to export a certain kind of yarn into the CAFTA region duty free.

Textile manufacturers in countries like China began exploiting this loophole to substitute their yarn for U.S.-produced yarn, and this action severely damaged textile manufacturers in North Carolina and the rest of the United States.

Let me give you one example.

Unifi is a textile manufacturing company headquartered in Greensboro, NC, with plants throughout the State. Half of their employees tied to the thread business have lost their jobs since 2006 when CAFTA took effect and the yarn loophole was exposed.

Unifi is not alone.

There are nearly 2,000 jobs in the United States that are directly affected by the exploitation of this loophole.

Creating jobs in North Carolina is my No. 1 priority.

Now I am proud of North Carolina's historic textile industry. It continues to innovate its way through advanced manufacturing and investments in research and development.

But times are tough enough as it is for the American textile industry.

We simply cannot afford to lose good-paying manufacturing jobs in North Carolina's textile industry because foreign countries are exploiting drafting errors and Congress delays fixing them.

We should be looking for ways to allow our textile companies to compete with their foreign counterparts on a level playing field. This bill is a step in that direction.

The corrections in this bill were brought to the attention of other CAFTA countries by the United States, were agreed to in February 2011 and have since been enacted by all the other CAFTA countries.

I am glad that we overcame this hurdle to ally ensure the integrity of the textile provisions of the Central American Free Trade Agreement.

This fix is long overdue.

I want to express my deep appreciation to Chairman BAUCUS for his leadership in moving this bill forward.

Mr. MCCONNELL. Mr. President, I rise today to applaud Senate passage of the Burmese Freedom and Democracy Act. The measure extends for another year the import ban with regard to Burma.

I would like to clarify two issues that have prompted some confusion regarding this legislation.

First, the measure we are passing renews import sanctions for 1 year and 1 year only. I emphasize this point because it has been misreported that this bill renews sanctions for 3 years. That is not accurate; the bill renews them only for 1.

Second, enactment of this bill does not overturn the easing of investment and financial sanctions that the administration unveiled earlier this year. In fact, this year's bill, as in years past, provides authority for the administration to waive the import sanctions should it determine that certain conditions have been met. Before deciding whether to waive import sanctions, I would strongly urge the administration not only to consider the changes occurring within Burma but also to consult closely with Nobel Peace Prize laureate Daw Aung San Suu Kyi and the National League for Democracy.

This year's legislation comes at a time of historic changes on the ground in Burma. Daw Aung San Suu Kyi, long a political prisoner in the country, is now a member of Parliament. The National League for Democracy, once a banned organization, now actively participates in the political life of Burma.

For these reasons, the administration has taken a number of actions to acknowledge the impressive reforms that President Thein Sein and his government have instituted. The United States has responded by sending an ambassador to Burma for the first time in two decades. The administration also largely waived the investment ban and financial restrictions, permitting U.S. businesses to begin investing again in Burma.

For my part, I want to see investment in the ''new'' Burma. I want to see Burmese reformers empowered accordingly, and I want to see greater economic development come to this underdeveloped country. And, frankly, during challenging economic times here at home, I want American businesses to be able to compete in Burma now that sanctions have been removed by other Western governments.

That said, high standards for accountability in American business operations in Burma are important going forward. This seems particularly acute with regard to transactions involving Myanmar Oil and Gas Enterprise. I would urge U.S. businesses to show the Burmese people and the world the positive effects that American investment prompts. I am confident that, as they do elsewhere around the world, U.S. enterprises in Burma will set the standard for ethical and transparent business practices and lead the way for others to follow.

I would be remiss if I did not note the significant challenges in Burma that lie ahead. Ongoing violence in Kachin State and sectarian tensions in Arakan State reflect the long-term challenge of national reconciliation. Hundreds of political prisoners remain behind bars. The constitution still has a number of undemocratic elements. And the regime's relationship with North Korea, especially when it comes to arms sales with Pyongyang, remains an issue of grave concern.

Even with these challenges, however, I am greatly encouraged by the progress that has been made over the past year and a half in Burma. My colleagues and I in the Senate will continue to monitor developments in the country with great interest and with hope for the future.

AFRICAN GROWTH AND OPPORTUNITY AMENDMENT ACT

The PRESIDING OFFICER. Under the previous order, H.R. 5986 having been received from the House of Representatives, and its text being identical to the text of S. 3326, the Senate will proceed to the immediate consideration of the measure, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5986) to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2008, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill (H.R. 5986) is passed.

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

Ms. STABENOW. Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. 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.

SYRIA

Mr. MCCAIN. Mr. President, at this late hour of our session, until September, I think it is important we continue to pay attention to and be concerned about the situation in Syria. Today, Kofi Annan, the former Secretary General of the United Nations, announced the failure of his mission. If there is anything about the conflict in Syria that did not surprise most of us, it is the fact that Kofi Annan's mission was a failure. It was doomed to failure from the beginning. It was based on the premise that somehow Bashar Assad would be motivated to stop the massacre of his people. It was motivated on the premise that somehow U.N. observers could come in and stand between the two fighting forces but totally ignore the fundamentals of this conflict.

The fundamentals of this conflict are simple: It is the Syrian people attempting to assert their God-given rights and throw off the yoke of a brutal and unconscionable dictator, and on the other side of the equation Bashar Assad's commitment to doing whatever is necessary, including massacring now as many as 20,000 of his own people in his desperate quest to remain in power in Syria.

Let's not forget that one of the reasons we have seen heavy Russian involvement in the form of supplies of arms and equipment and continued Russian veto of resolutions in the U.N. Security Council that would have imposed even the mildest sanctions on Bashar Assad is what seems to be some kind of nostalgia on President Putin's part for the old Russian empire and the maintenance of their one base on the Mediterranean port in Syria.

The Russians' behavior in this throughout, as they continue to block one resolution after another, of course, is revealing of the true nature of the Putin regime, the autocracy and kleptocracy that has now asserted its full power and weight in Russia. In addition to that, of course, we have the Chinese joining Russia in their sustaining of vetoes in the U.N. Security Council.

It is hard to overstate the damage these actions by Russia and China have done to them, but it is also hard to overstate the damage that has been done to the Syrian people, with Russian equipment being supplied constantly, Iranian boots on the ground helping to set up torture centers, and continued encouragement of Bashar Assad to remain in power.

I am not here to again critique this administration's abysmal record, but isn't it ludicrous—isn't it ludicrous—to base your entire policy toward Syria on the belief that somehow the Russians would convince Bashar Assad that he should leave Syria? Isn't it foolish to somehow base your policy and nonintervention on the belief that somehow the mission of a former Secretary General of the United Nations would succeed when it was clear the Syrian people were not going to be satisfied with the continuous barbarous regime of Bashar Assad, and certainly Bashar Assad was not going to give up?

It is clear through Iran's actions that its rulers are playing for keeps in Syria, and they will stop at nothing to prevent the fall of Bashar Assad. Why are the Iranians so committed and involved? The words of General Mattis, the Commander of U.S. Central Command, described it before the Senate Armed Services Committee when he said that the fall of Bashar Assad would be ''the greatest blow to Iran in 25 years.''

So the United States does have more than a humanitarian interest in what

happens in Syria. In fact, if Bashar Assad falls, Syria loses its position as far as Lebanon is concerned, the Lebanese people have an opportunity to lose their client status of Syria, and Hezbollah absorbs a serious blow because they lose their patron in Syria.

So the fall of Bashar Assad is not only a victory for the force of democracy and freedom, but it would also mean a significant—a significant—advance in our interest in the region as our major concern today remains the Iranian continued development of nuclear weapons. The path they are on sooner or later may provoke an attack by either Israel and/or the United States of America.

I say that with some authority because the President of the United States, President Obama, has appropriately said it would be unacceptable for Iran to acquire nuclear weapons.

I have been, along with my friend JOE LIEBERMAN, to a refugee camp in Turkey on the Syrian border. There have now been thousands and thousands of additional residents there who have had to flee the brutality of Bashar Assad inside Syria. I met young men who were freshly wounded. I met defectors from the Syrian Army who described how they are instructed—they are instructed and indoctrinated to rape, to murder, and to torture. I met individuals who have watched their children murdered before their very eyes, and I met a group of young women who had been gang raped.

I wish every American could have had the opportunity to see these people whose only reason—only reason—to rise up is because they want to achieve their God-given rights.

What is going on now in Syria is very important, because the longer the conflict drags out, the more jihadists and foreign fighters and extremists come into the fight.

Every day that goes by that Bashar al-Assad is in power is another day which will make it more difficult once he leaves—and he will leave, but the question is when—but how difficult it will be for Syria to knit their country back together and become a functioning democracy.

There is also a very serious issue of chemical weapons. It is well known, and for the first time recently, the Syrian government acknowledged that they have stores of chemical weapons. These chemical weapons pose a great threat in a very unstable region. There are various scenarios that we should be deeply concerned about. One of them is that if chemical weapons fall into the hands or shift to Hezbollah, what kind of a threat does that pose to Israel? I remind my colleagues that Hezbollah has committed to the extinction of the State of Israel, as has Iran.

So what happens with these chemical weapons is a very important issue. The more chaos and the more disorder and the more frustration and anger that is displayed on both sides, the more likely it is that these chemical weapons can fall into the wrong hands, and they are not located in one place.

So there is a great deal at stake. There is one thing I hope we could all agree on; that is, the longer it lasts, the greater the danger, the greater the chaos, the more killing, the more rapes, the more murders.

Today we have information that the President of the United States has made a decision—and I am not sure of the details because I only know the media reports, but the best way to describe, as I understand it is—to facilitate the flow of weapons to the Syrian resistance fighters. I don't know how that is done. I don't know how that is accomplished, but I do know this, that they also need a sanctuary. They need an area that is secure, the same way the Libyans needed Benghazi, so they can train, equip, and establish a government.

The resistance, as we all know, is fractured. The best way to join them together is to have a central council they can answer to and that can make sure the weapons go to the right place. That is a vital component that should happen sooner rather than later.

None of us seeks to put American boots on the ground for a whole lot of reasons. I know the American people are war-weary and focused on our own domestic challenges. Both of these sentiments are genuine and legitimate. But what has unfolded in Syria over the past 1½ years not only offends the conscience of our country, it also poses real and growing risk to our national security interests and to those of some of our closest allies.

I don't believe Bashar Assad can last, even under current conditions. But I do know for sure America's national security interests in Syria will remain long after Assad's fall. In many ways, they could become more precarious because of our inaction, because of the failure of the President of the United States to speak up for these people. Why doesn't the President of the United States speak up for them? I have never understood that.

Because of our inaction, the people who will inherit the country in Syria will remember that in their hour of greatest need, when the bravest among them were fighting and dying for their freedom in a grossly unfair fight, America stood idly by and refused to help.

As the sister of a fallen opposition fighter in Syria recently remarked, ''When we control Syria, we won't forget that you forgot about us.'' Millions of her fellow Syrians share that sentiment.

If we continue on this path of inaction, mass atrocities will continue to unfold in Aleppo and other places in Syria. We have the power to prevent this needless death and advance our strategic interests in the Middle East at the same time. If we don't, if we continue this shameful behavior, our failure of leadership will haunt us for a long period to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

THE DREAM ACT

Mr. BLUMENTHAL. Mr. President, I hope that many of my colleagues, in returning to their home States for the August recess, may have an opportunity to attend a citizenship ceremony. I do so regularly when I go home. During the July 4th break, I had the wonderful opportunity to attend several. These ceremonies can occur in courthouses or in townhalls. They swear the oath and are newly made citizens. They are accompanied by families and friends. It is a uniquely joyous and proud day in their lives. Many have waited years to become U.S. citizens, and they do so not only willingly but joyfully. There are tears in many of their eyes, and there are tears in my eyes as well because it recalls to me the day many years ago, decades ago, when I first attended such a ceremony, which in turn recalls for me the stories of my own relatives who came to this country from other shores. So did many of the parents or grandparents—forebears of we who serve in this body.

The meaning of citizenship of the United States and the value of those rights that come with citizenship are often forgotten or unappreciated by many of us who were born in this country. We sometimes, unfortunately, take them for granted. But there is a tremendous value placed on those rights and liberties by people who come to the United States.

Today I wish to talk about people who come to the United States or more precisely are brought to the United States as young people, as infants or children, many under 4 or 5 years old, and this country becomes the only one they have known. The history of this country is their history. They may not even know the language of the country from which they came. The language of this country is the only one they know, and they have no memories or scant recollections of the countries where they were born. These young people are here, and they were brought here perhaps by parents who came illegally, but they are here through no fault of their own.

Many of them have achieved remarkably and have contributed extraordinarily. Their promise of future achievement is staggering, extraordinarily impressive in its potential contribution to the lives of their communities—to teaching, to giving back to their communities—their contributions in terms of scientific or literary accomplishments.

One such young person is Muller Gomes. I am going to tell his story today much as Senator DURBIN has told

other stories on the floor of this Chamber in his steadfast and energetic advocacy of a measure called the DREAM Act. I want to follow him in engaging this Chamber in this effort. I thank distinguished colleagues, such as Senator DURBIN, who have been tireless advocates for the passage of the DREAM Act.

The DREAM Act, called by its full name, ''Development, Relief, and Education for Alien Minors,'' should be a top priority for this Congress. States such as Connecticut have passed their versions of it, but a national and uniform effort is essential. Much as we hope and I support that we will have comprehensive immigration law reform, I also believe the DREAM Act is an idea whose time has more than come. We should be adopting it as soon as possible in this Chamber to provide the kind of certainty and promise that is so important to young people like Muller Gomes.

Muller Gomes was brought to this country from Brazil when he was 5 years old. He came with a tourist visa in 1995. The tourist visa expired a year later, in 1996, so he has been here without proper documentation since then. He has been through the Bridgeport public schools, Central High School in Bridgeport, and then he went to Fairfield University.

This is this young man at his graduation from Fairfield University—his graduation summa cum laude. He was a member of Phi Beta Kappa, Pi Mu Epsilon and Sigma Xi. He won the American Chemical Society Outstanding Senior Chemistry Major Award, and he has been accepted at the University of California at Berkeley's physical chemistry Ph.D. program.

All that he lacked was a student visa to pursue his studies at UC Berkeley. He lacks a student visa, and if he returns to Brazil to seek one, he will be denied it because he has been undocumented in this country.

If there were ever a catch-22, Muller Gomes is its poster child under our current immigration law. Under current law, that student visa will be denied him. Fortunately, on June 15, 2012, the Obama administration made a very strong statement of support for young men and women like Muller Gomes. They issued a regulation or a directive that will permit him to remain in this country. That directive is lacking in a number of respects compared to the DREAM Act. It will be temporary—only for a couple of years. It is not a path to citizenship, as the DREAM Act would provide. It does not make him eligible for the kind of financial aid he would need. Most importantly, it requires him to go through the stress and uncertainty of applying again for deferred action. It is only a deferral of deportation.

So the DREAM Act remains a vitally important measure for literally thousands of young people—between 11,000 and 20,000 young people living in Connecticut who would benefit from the DREAM Act and 2 million young people nationwide. Under the DREAM Act, they would comply with rigorous standards and requirements—lack of criminal record, criminal history, and they would in effect be provided this pathway to citizenship because of their promise and their potential for contributing to this country—in Muller Gomes' case, the potential for contributing to this country as a scientist who would make new discoveries, perhaps breakthrough discoveries that would benefit the entire country. We laud young people like him who are motivated and smart and dedicated to this country.

I am committed to comprehensive immigration reform achieved through bipartisan congressional action. That ought to be one of our immediate goals so that young people like Muller Gomes, brought to this country as children through no fault of their own, will have the opportunity to contribute to this Nation and be part of their communities, as the DREAM Act would provide and as comprehensive immigration reform would also achieve. But in the meantime, let's pass the DREAM Act so these dreamers, such as Muller Gomes, will have the basic guarantees and certainty that they can remain in this country and that the promise of the greatest Nation in the history of the world will be truly theirs and irrevocable. This country will be theirs regardless of religion, race, gender, or any of the arbitrary labels we say consistently and constantly should have no place in our judgments about human beings.

Our Nation will be better because Muller Gomes will be with us and our Nation would be better still if the millions like him have the security and certainty of a path toward citizenship—a path that will benefit them and benefit the greatest Nation in the history of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

CYBER SECURITY

Mr. REED. Madam President, first, let me express my disappointment that my colleagues on the other side of the aisle blocked consideration of vitally important cyber security legislation. The Secretary of Defense, when asked about a potential threat to the United States, declares emphatically that his biggest concern is that the next Pearl Harbor will be a cyber attack upon the United States and if we cannot at least fully debate, amend the bill, and pass the bill, then I think we are not performing up to the expectations of the American people.

So I am very disappointed that we were not able to complete this legislation in a timely fashion this week and give the necessary tools to our national leadership to protect the country against potential cyber threats.

FEDERAL HOUSING FINANCE AGENCY

Having said that, I also want to rise today to express my profound disappointment in the Federal Housing Finance Agency's decision to prohibit the use of principal reduction by Fannie Mae and Freddie Mac as one more tool to avoid foreclosure under the HAMP Principal Reduction Alternative (PRA).

As conservator, the acting FHFA Director, Mr. DeMarco, has a duty to not only carry on the business of both Fannie Mae and Freddie Mac but also to preserve and conserve the assets of both, which FHFA has stated repeatedly requires them to minimize losses. At the same time he has other statutory responsibilities. Under section 110 of the Emergency Economic Stabilization Act, there is a requirement that FHFA ''implement a plan that seeks to maximize assistance for homeowners and use its authority to encourage the servicers of the underlying mortgages, and considering net present value to the taxpayer, to take advantage of . . . available programs to minimize foreclosures.''

So there is a clear statutory direction to do all that he can to minimize foreclosures while he is also balancing the portfolio and minimizing losses to Fannie and Freddie.

To boil all of this down, FHFA has to minimize Freddie Mac and Fannie Mae losses, and pursuant to the Emergency Economic Stabilization Act, which passed this Chamber on a strong bipartisan vote of 74 to 25, this requirement to protect homes from foreclosure or the people from the threat of foreclosure is a strong bipartisan objective. FHFA was directed by Congress to throw its weight in favor of avoiding foreclosures, especially in those instances in which a policy decision may be a close call. I believe that is the plain meaning of ''maximize assistance'' to ''minimize foreclosures.'' Maximize assistance—not provide assistance but to maximize assistance to avoid foreclosure. I would further note that section 110 of the Emergency Economic Stabilization Act explicitly permits ''reduction of loan principal.''

So we consciously gave the Acting FHFA Director the specific tool of principal reduction and the specific directive to maximize assistance to minimize foreclosure. We did that in the context of the overall mission to try to minimize losses of the Fannie and Freddie portfolio. But to turn essentially a blind eye to the thousands of Americans who are facing foreclosure is to ignore a vital responsibility and a vital authority which he has been given.

After reading FHFA's July 31, 2012, letter to Members of Congress, my impression is that FHFA has done exactly the opposite of what we have asked them to do. Indeed, the letter contradicts itself in arriving at its conclusion. FHFA states in one part of the letter that it will not allow principal reductions under the PRA program. But in another part of the letter, FHFA goes on to write,

> Short sales and deeds-in-lieu, which the Enterprises offer, result in principal forgiveness as part of exiting the house.

In other words, it seems, in their view, principal reduction is acceptable in some cases, especially if the owners leave their home.

Now, I think there are thousands of Americans who are facing huge challenges to stay in their homes. It is ironic that FHFA will reduce the principal, only after the person actually loses their home. But if it, through PRA, allows a person to keep their home, and avoid foreclosure, then FHFA will not do it.

In the same letter FHFA also states that:

> Forgiving debt owed pursuant to a lawful, valid contract risks creating a longer-term view by investors that the mortgage contract is less secure than ever before. Longer-term, this view could lead to higher mortgage rates, a constriction in mortgage credit lending or both, outcomes that would be inconsistent with FHFA's mandate to promote stability and liquidity in mortgage markets and access to mortgage credit.

So forgiving debt is inconsistent with FHFA's mandate, but FHFA admits to allowing principal forgiveness in certain cases? Again, let me repeat their own words.

> Short sales and deeds-in-lieu, which the Enterprises offer, result in principal forgiveness as part of exiting the house.

But FHFA also states:

> Forgiving debt owed pursuant to a lawful, valid contract risks creating a longer-term view by investors that the mortgage contract is less secure than ever before.

Well, how does this make any real common sense? We will forgive principal if homeowners are going to get kicked out of their house, which presumably upsets the long-term perspective of investors and bonds that support those mortgages. But if homeowners are staying in their house, we will not reduce principal through PRA.

Turning to the point of moral hazard, which is implicit in all that has been discussed by FHFA, and given that FHFA has blessed principal forgiveness in these two instances of short sales and deeds-in-lieu, and additionally permits principal reduction as part of the Hardest Hit Fund, which also utilizes Treasury incentives, I can only assume that FHFA must have found a way to control and avoid moral hazard when they want to and use moral hazard as an excuse when they don't want to do something.

Either it is an issue that must be consistently addressed, which they don't do, or it is an after-the-fact rationalization for failure to pursue a policy which for other reasons they don't want to do.

Having made these points, let me give FHFA the benefit of the doubt here and assume for the sake of argument that FHFA wants greater certainty and assurances. I think they said as much when they wrote:

> FHFA weighed these potential benefits and costs, recognizing the inherent uncertainties associated with these estimates, and concluded that the potential benefit was too small and uncertain relative to known and unknown costs and risks to warrant the dedication of additional taxpayer resources to Fannie Mae and Freddie Mac to implement HAMP PRA.

I have heard a couple of my Republican colleagues talk about how what FHFA should be doing is what the private sector is doing, looking to the business men and women, who protect their shareholders. In fact, I think that is a good place to look for some direction. But what is the private sector doing when it comes to principal reduction?

For one, Laurie Goodman, Senior Managing Director at the Amherst Securities Group, a broker/dealer specializing in the trading of residential and commercial mortgage-backed securities that performs extensive, data-intensive studies to keep its clients informed of critical trends in the residential mortgage-backed securities market, has testified before the Senate Banking Committee that principal reductions are, in her words, ''the most effective type of modification.''

Next, John DiIorio of 1st Alliance Lending, whose clients consist of major banks, investment banks, and sophisticated financial counterparties, has stated that his clients are in favor of principal reduction ''not out of a sense of charity, but because they believe it is in their best financial interest to do so.'' In other words, there is a very strong business case for principal reduction—a business argument, apparently, that FHFA has ignored or totally rejected.

Finally, when we look at the newest data from the Office of the Comptroller of the Currency, we see that banks have granted principal reductions on 28.9 percent of the loans they hold, which is up from 11.5 percent a year earlier. By the way, they also have lower default rates than Fannie Mae and Freddie Mac.

So when we look at the private sector, what they are doing appears to be different; indeed, perhaps the opposite, of what FHFA is doing. They are going through their portfolios and, in appropriate ways, reducing principal not because they want to provide charity, but because it is the best way to preserve their portfolio and generate value for their shareholders. That is what their business is doing. In fact, they have a fiduciary duty to do that.

So it would appear the private sector seems not only completely comfortable with principal reduction, but they, in fact, are doing it because it is good for their bottom line.

Yet, we have FHFA essentially saying, well, we can't do PRA. I think this is one of those examples where they just don't get it, frankly.

If principal reduction provides greater value than foreclosure to a private investor, such as these banks I cited, and on top of that keeps a family in their home, aren't these the types of decisions we should make and we should support?

The real moral hazard, if there is one, is that FHFA is inexplicably choosing not to use every available tool, especially one the private sector is already using extensively to help homeowners and investors time and time again.

There are people in this Chamber on both sides of the aisle who say we have to run this government more like a business. Well, guess what. The businesses are using principal reduction, and FHFA is saying they can't do PRA. This is shortsighted and it is wrong. I urge the FHFA to reconsider and, in the meanwhile, I am going to continue my efforts to do what I can do to help these homeowners who are facing foreclosure.

It is very difficult—and I know it is for my colleague from New Hampshire and my colleague from Utah—to go back home and see a homeowner who is struggling with a mortgage that might be 5 percent or 6 percent, knowing that banks can borrow at less than 1 percent, and this homeowner has difficulty getting access to a better mortgage rate because he or she is underwater.

I hope we adopt some of the smarter business practices around here and that FHFA leads the way, and I am going to do all I can to ensure that outcome becomes a reality.

With that, I yield the floor, and I thank my colleague from Utah for his consideration in letting me speak.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Utah.

Mr. HATCH. I thank my colleague. He is always gracious and a very fine man, and I enjoy serving with him very much.

CYBER SECURITY

Mr. President, I was very disappointed that we were not able to proceed with the cyber security bill today. This side had the votes against cloture. The reason is because the Senate is not being run as an open Senate anymore.

This is such an important bill. It is not some itty-bitty bill that we can call up and foreclose any amendments. In fact, most bills are not that are brought to the floor. I think if it were the other way around and the Republicans were in the majority and they started doing what we have been going through lately—I don't blame Senator REID for this; I know it comes from his caucus. If we were pulling the same type of thing, I have to say the Democrats would be in orbit.

Usually in the Senate we never build a procedural pyramid until after there has been a reasonable time for debate

and open amendments. That is the way it is usually done. In recent months—frankly, over the last few years—they call up a bill, file cloture as though we are filibustering when we are not, and then tie up the parliamentary tree so we can't have amendments, in the greatest deliberative body in the world, supposedly. That has been very irritating to people on our side.

I would caution my friends on the other side: This is getting to the point where it is becoming a matter of grave concern to everybody and irritation to everybody as well. I think we ought to get back to being the Senate that we all know works better if we respect both sides and their ability to come up and say what they need to and bring the amendments up that they feel are good amendments.

But be that as it may, that is the way it is right now. We have to do the cyber security bill. Everybody knows that. The fact that cloture was not invoked does not mean we shouldn't return to that bill and put the time into it and make sure we resolve the conflicts that have arisen, some of which are very important suggestions, and allow the type of proceeding that the Senate has always been known for.

VALUE-ADDED TAX

I wish to change the subject. Recently, there has been some commentary about the lack of substance in our political debates. This concern, that Washington has failed to confront our deepest political challenges, which are, in large part, fiscal challenges, is not without some merit. But I would add one caveat to this analysis. It is not for lack of trying on the part of Republicans to have a grownup debate about our Nation's fiscal and economic future. Republicans are putting forward real ideas about tax and entitlement reform with real numbers attached. However, I would submit that only one side has put a team on the field for this debate. When it comes to putting forward solutions to our nearly $16 trillion of debt and our archaic Tax Code, the President and his Democratic allies have largely stayed on the sideline. Instead of offering up bold proposals to bring down the debt that has ballooned, given the President's commitment to ever larger and more active government, they have determined to give the American people talking points that attack the wealthy and successful small businesses in the name of equality.

Given the fiscal cliff threatening America's families and businesses, this decision to put politics above solutions is madness. But there is a method to it. The fact is the President and his liberal allies are not able to put forward serious solutions because they are between a rock and a hard place. The rock is their base—a liberal minority that refuses any meaningful reforms of the spending programs that are bankrupting our country. The hard place is the vast majority of the American people who flatly object to the massive tax increases, and especially those 940,000 small businesses that would be hit the hardest. Of course, those massive tax increases would be required to finance on a permanent basis the President's commitment to larger government.

The bottom line is that the President is unable to come clean. He cannot tell the American people what the true tax bill would be for his expansion of government. He suggests that our books can be balanced by taxing the rich. We all know that is poppycock. Hence his commitment to the Buffett tax and other redistributionist schemes that have been pursued by the Senate's Democratic leadership over the past 2 years as though they are serious. Give me a break. No serious person believes the Obama administration's government can be financed simply by going after the so-called wealthy. The only way to do it is by going after all Americans and raising taxes on all citizens. That is the silent plan the President will not discuss on the campaign trail. That is the Democrats' phantom budget. And that is what I want to discuss today.

When it comes to addressing our deficits and debt, only one party in Washington has been willing to put its cards on the table. Only one party has been willing to acknowledge the difficult choices that have to be made. The other side has refused to provide any concrete solutions of their own, while demonizing anyone who has had the temerity to propose anything resembling a workable solution.

A case in point. It has been more than 3 years—3 years—since the Senate, which has been under Democratic control the entire time—passed a budget resolution. Those budget resolutions are mandatory. Yet they blindly ignore it. Three years—three years—without a budget. Four years ago, if someone wrote a novel or a screenplay about a Senate majority that refused to pass a budget for 3 years, people in both parties would have laughed and called it absurd. Yet here we are 3 years later.

In fact, the only budget proposals from the Democrats have come from the White House and they have been anything but serious. According to the CBO, the President's most recent budget would keep the United States on the same unsustainable path, with an ever-widening gap between revenues and spending, varying from 8.7 percent to 2.5 percent of GDP, and averaging 3.2 percent of GDP.

We should keep this in mind when we hear the President and his allies suggest we can get our debt under control simply by raising taxes on the wealthy. The President raises plenty of taxes on upper income individuals and small businesses in his budget. Yet under the President's budget, debt held by the public would still reach 76.3 percent of GDP by the end of the budget window.

Even the President's budget, which raises taxes significantly, comes in with a debt limit that is well above what leading economists such as Kenneth Rogoff and Carmen Reinhart consider the danger zone of 70 percent. The President claimed a few weeks ago that his biggest failing over the last 3 years was that he cared too darn much about policy. If only that were true. But the fact is he ignores the policy experts and their warnings when it comes to the debt.

Consider what CBO Director Elmendorf wrote to House Budget Committee Chairman PAUL RYAN regarding the debt earlier this year. I have to say, Mr. Elmendorf is a Democrat, but I found him to be extremely trustworthy and honest. Here is what he wrote:

> Budgetary policies affect the economy in a variety of ways . . . All else being equal, scenarios with higher debt tend to imply lower output and income in the long run than do scenarios with lower debt, because increased government borrowing generally crowds out private investment in productive capital, leading to a smaller stock of capital than would otherwise be the case.

Director Elmendorf continues:

> Moreover, that same crowding out leads to increases in interest rates, raising the government's interest payments and therefore further boosting government deficits and debt. A perpetually rising path of debt relative to GDP is unsustainable.

That is what our CBO Director, a Democrat, says. Again, I will vouch for the fact that he is a very good economist who, as far as I have seen over all of these years I have worked with him in Washington and watched him help our committees, is totally honest.

No one can legitimately dispute that our entitlement programs—Medicare, Medicaid, and Social Security, in particular—are the major forces driving our future national debt. No one can dispute that.

This chart I have in the Chamber, produced by the Bipartisan Policy Center, shows the cannibalization of the budget and ultimately the American economy if we go with the status quo on health care entitlements.

Look at this blue line on the chart: health care spending. Under the questioning by Members of Congress, leading Obama administration economic policy officials, such as Treasury Secretary Geithner, basically demur on dealing with the runaway entitlement spending. You can see, it is running away.

In February, Secretary Geithner identified to House Republicans that the administration was putting forth no plan to reform entitlements, but, as he said: ''we know we don't like yours.''

The only official proposals we receive from the President and his administration would simply maintain the status quo—a status quo that is so unacceptable that not one Member of the House or the Senate supported the President's budget, not one in either body.

So what proposals do Senate Democrats support?

Keep in mind, this blue line on the chart is the health care spending line. The red line shows Social Security, which is relatively flat. It goes up a little bit. That is the Social Security

line. The green line happens to be discretionary spending, which has gradually come down—or will come down from 2012 to 2052, according to what we are trying to do. Other mandatory programs are pretty much even. But health care spending is running out of control. That is Medicaid and Medicare and all the other health care spending—but especially Medicaid and Medicare.

What proposals do the Senate Democrats support?

On that, they prefer to keep the American people guessing. Perhaps the President will keep the American people in the dark until he possibly gets ''more flexibility.''

Democrats have not been willing to put their vision down on paper. By comparison, there is the budget put forward by PAUL RYAN. Unlike the Democrats who are hiding the ball from the American people, Republicans have not been afraid to talk about the Ryan budget.

This is a comparison of budgets on this chart. The Ryan budget constrains Federal spending and keeps it close to its historic average at 21 percent of GDP. Here is the House Ryan budget, as shown on this chart in the red. By exercising that spending discipline, the budget pulls the deficit down to 1.7 percent of GDP.

By comparison, President Obama's budget deficits are at 3.2 percent of GDP, on average—nearly double those of the Ryan budget.

When you boil it down, there is $3.5 trillion more in deficit reduction in the Ryan budget than in the President's budget, which is represented by the blue line on the chart. There is a $3.5 trillion difference between these two. That is how much the Federal Government currently spends in 1 year.

Because of the President's failure to tackle runaway entitlement spending, that yawning fiscal gap between the two plans only gets much bigger in the outyears.

As you can see right here on this chart, look at how health care spending is going up in these outyears, from 2012 all the way to 2052. As you can see, it is constantly going up from 2012.

Whether we are debating the budget or the debt ceiling or Taxmageddon, one thing is clear: The President and the Democrats in Congress do not like to talk in specific numbers. Instead, they want the American people to measure specific Republican alternatives like the Ryan plan against a series of campaign speeches and attack ads.

The current fiscal debate is between the Ryan budget and a phantom Democratic budget. Apparently, the Chicago campaign sharpies have determined it is safer to wait until after the election to finally unveil the details of the phantom budget, which just in health care spending is going to go forever up and eat our country alive. And their advice has been heeded by the Democrats.

If your proposals are never written down, no one can check your math. We do not know the actual fiscal position of my friends on the other side of the aisle, but we can fill in some blanks.

We know by their vicious attacks on the spending restraints in the Ryan budget and other Republican proposals that the President and his allies in Congress have no interest—zero; no interest—in reducing spending.

We know their income tax proposals do not add up to much in terms of revenue. Even if they let the entirety of the current tax relief expire—which is a distinct possibility given the game of chicken they are currently playing with the fiscal cliff—there probably is not enough money to be found in the income tax to pay for the coming explosion in entitlement spending. You can see it right there on this chart in health care alone.

So where does the Democrats' phantom budget find the fiscal juice to fill its structural hole? The answer is simple: a European-style value-added tax, the VAT, or its green cousin, a carbon tax.

I am quite certain my colleagues on the other side of the aisle will write this off as fear-mongering and fabrication. But what other conclusions are left to draw?

Without significant reductions in spending or reforms in our entitlement system—neither of which we can expect from this President or the Democrats currently in Congress—there is not enough money to be found in traditional revenue streams to cover the President's spending bill. A VAT, a value-added tax—or some other euphemized form of a VAT—appears to be the only option left to our friends on the other side of the aisle if they want to continue spending at current projections.

Many prominent Democrats have expressed some level of support for the value-added tax in the past. In 2009, during an appearance on the Charlie Rose show, then-House Speaker NANCY PELOSI said that a VAT was ''on the table.''

A year later, President Obama, in a CNBC interview, expressed a willingness to consider a VAT to address the deficit.

Countless high-profile Democratic strategists and advisors—people such as John Podesta and Paul Volcker—have unapologetically suggested implementing a VAT in the United States.

Ezra Klein, a writer with real cache among liberal Democrats, expressed similar views in the Washington Post in 2009. Here is a revealing quote from Mr. Klein's article:

> First, a simple fact: Tax rates will rise over the next decade. Even with painful spending cuts, tax rates will rise. At some point, taxes have to come further into line with spending, and that means the direction they will travel is up. But—and this isn't a fact—they won't rise within the current system. People don't trust the current tax system. It feels opaque and unfair, largely because it is. An increase in revenues will have to come alongside a change in the tax system. And the change in the tax system that most economists prefer and that most other countries use is a value-added tax.

I agree with Mr. Klein that our current tax system is a mess. But while he and other liberals see that as an opportunity to seek larger pots of tax revenue elsewhere, my fellow Republicans and I see it as a call to reform the Tax Code.

And we disagree on the fundamental assumption behind Mr. Klein's arguments. Like most of my friends on the other side, Mr. Klein takes at face value the benefits of future spending. Notice how he uses the phrase ''taxes will have to come further into line with spending.''

His focus is almost entirely on the revenue side, with only a passing reference to the possibility of reducing spending.

A VAT would increase Federal revenues, but it would also effectively be a tax hike on every American, including those who currently pay no income tax. If a VAT were imposed on top of our existing income tax system, it would likely cripple our economy by imposing new costs on virtually every purchase of goods and services in the United States. It would hamper manufacturing and kill entire retail sectors. Worst of all, it would be the most regressive tax ever imposed on the American people, disproportionately impacting families with lower incomes who spend a higher percentage of their wages on necessities.

Simply put, a VAT would be bad policy in a strong economy. But in the midst of a slow economic recovery, it would be tantamount to economic suicide. It would be jet fuel for larger and larger government.

Numerous studies, including a 2010 study by former CBO Director Douglas Holtz-Eakin, have demonstrated that in virtually every instance, the implementation of a VAT in other industrialized countries inexorably led to increased spending and an expansion of government.

Make no mistake, the current administration and my Democrat friends know only one way of engaging in fiscal reform—broaden the base. And every middle-income family in America should know that they will get hit with higher taxes to pay for the Democratic goal of ever-expanding government control over our economy, over our lives, and over your paychecks.

The contention that implementing a VAT would make our government more fiscally responsible is a dog that just won't hunt. The purpose of a VAT would not be to shore up deficits and pay down debts, but to expand the government into new areas backed by an all-new source of funding.

Once again, I am quite certain that virtually all of my Democratic colleagues would publicly deny that their phantom budget includes a VAT. For now, they want us to ignore the VAT behind the curtain and instead listen

as the Great and Powerful Oz proclaims that every government program can be funded and every budget balanced simply by eliminating the so-called tax cuts for the rich.

But the American people are not so easily duped. And they are showing up at Emerald City looking for real leadership and real answers, not just talking points.

That is the real choice facing the American people today. They can choose the fiscal leadership of those such as Chairman RYAN who have put forth actual, real-world proposals to bring about reasonable restraints on entitlement spending and maintain taxation at its historic levels, or they can choose the President's impersonation of fiscal leadership, which is built on a phantom budget and large-scale attacks on anyone, such as Chairman RYAN, who offers a real, verifiable alternative.

But let's be clear. The phantom budget simply cannot translate into reality without collecting taxes that go far beyond those the President and congressional Democrats publicly support. Given the limitations on existing revenue streams, a value-added tax, even with all of its many drawbacks, is one of very few logical alternatives left to the other side. If they do not plan on instituting a VAT, they need to come clean with the American people and let everyone know how they plan to pay for their outsized spending.

Regardless of who wins this election, Congress will have to do more than just click its heels and wish for enough money to pay all our bills. Therefore, I think it is fair to assume that, in lieu of a line item for ruby slippers, the Democrats' phantom budget includes levels and forms of taxation heretofore unseen in the United States. You can be sure that if it is not a VAT, it will be something equally damaging to our economy.

Let me end with one other thought; that is, that we all know, according to the Joint Committee on Taxation, of which I am a member—but it is a nonpartisan committee run by very good economists—the bottom 51 percent of all households—not just people; all households—do not pay a dime of income tax.

We have brought that about out of compassion for them, I have to say, but it means the upper 49 percent are paying for just about everything. Well, my friend Treasury Secretary Geithner pointed out: But, yes, they pay payroll taxes. Well, we all do. That is Social Security. They do not pay a dime of income taxes. I was quick to point out to Mr. Geithner that 23 million of them, approximately, get refundable tax credits from the government that are more than they pay in payroll taxes, so they are really not paying payroll taxes. Almost 16 million of them get refundable tax credits from all of us others out there, from the government itself, which is more than they and their employers pay in payroll taxes.

The fact is, I fail to understand why my friends on the other side are looking for ways to spread the base to an unsuspecting 51 percent who currently do not pay any real income taxes. I think there has to be a better way of spreading the base than doing it through a VAT, which in Europe has proven to be a ready way for politicians to increase spending over and over without really any inhibition or any real inhibition.

So if what I am talking about today is prophetic, it means without question that our friends on the other side want to keep spending. They want the Federal Government to keep growing, all at a cost to individuals, and they want to do it because that is what has kept them in power all of these years, taking all of your money out there and claiming that they are compassionate with your money when they are unwilling to be compassionate enough to keep living within our means.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 56, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CARDIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD as if read.

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

The concurrent resolution (S. Con. Res. 56) was agreed to, as follows:

S. CON. RES. 56

(Providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives)

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, August 2, 2012, through Monday, August 6, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, September 10, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, August 2, 2012, through Monday, August 6, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, September 10, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

STOCK ACT AMENDMENTS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3510, introduced earlier today

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3510) to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3510) was ordered to a third reading, read the third time, and passed, as follows:

S. 3510

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

SECTION 1. EFFECTIVE DATE DELAY.

The STOCK Act (Public Law 112-105) is amended—

(1) in section 8(a)(1), by striking ''August 31, 2012'' and inserting ''September 30, 2012''; and

(2) in section 11(a)(1), by striking ''August 31, 2012'' and inserting ''September 30, 2012''.

SEC. 2. IMPLEMENTATION OF PTR REQUIREMENTS UNDER STOCK ACT.

Effective September 30, 2012, for purposes of implementing subsection (l) of section 103 of the Ethics in Government Act of 1978 (as added by section 6 of the STOCK Act, Public Law 112–105) for reporting individuals whose reports under section 101 of such Act (5 U.S.C. App. 101) are required to be filed with the Clerk of the House of Representatives, section 102(e) of such Act (5 U.S.C. App. 102(e)) shall apply as if the report under such subsection (l) were a report under such section 101 but only with respect to the transaction information required under such subsection (l).

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

VETERANS JOBS CORPS ACT OF 2012 MOTION TO PROCEED—continued

MINERAL INDUSTRY TRANSPARENCY

Mr. CARDIN. Mr. President, it has been 2 years since Congress passed legislation that provided for transparency in the mineral industry. It was a provision that was included in the Dodd-Frank bill. It was included as an amendment on which Senator LUGAR and I worked. I wish to thank Senator LUGAR for his incredible leadership on this issue—transparency—as well as so many other issues that affect the security of not only America but global security.

The provision is something we worked on to provide transparency in developing countries. It provided a visible sign of U.S. leadership, that we are going to do everything we can to promote good governance around the world; to demonstrate that we understand that for the stability of America, we need countries that have good governance.

The United States spends more money than any other country in the world on our national security budget. In fact, we spend more than most of the other countries combined spend on national defense. We have the ability to use our military for our national defense, but it is much better if we can develop stable countries around the world. The way to develop stable countries is to help them build a stable economy, to help them build wealth, and to help them have good governance.

It is impossible to see the type of progress we want in the developing countries unless they have good governance. I might say that the more we can help in this regard, the more we promote good governance and economic growth, the better off we will be. Our direct security burdens will be reduced, and we will have new markets, which will create economic opportunities for America.

As the Presiding Officer knows, this is the guiding principle of the Organization for Security and Cooperation in Europe. We used the Helsinki Commission as our implementing arm. The Helsinki Accords that were signed in 1975 between Europe—all of the countries of Europe—the United States, and Canada recognized that it was in our national security interests to support stable countries that respect human rights and have good governance.

This is the reason the Cardin-Lugar amendment was so important in the Dodd-Frank Wall Street reform legislation. Let me explain what it does. It requires mineral companies to list the payments they make to extract the minerals they take out of a country. Whether we are talking about gas or oil, whether it is diamonds or copper—the companies need to divulge their individual payments to foreign countries in their reports to the Securities and Exchange Commission, SEC.

We did that for many reasons.

One reason, quite frankly, is that although many countries in the world have vast sums of mineral wealth, these are some of the poorest countries in the world. We call it the ''resource curse'' because the natural resource wealth of the country isn't just being denied to the people for their economic growth, it is being used to fuel corruption within their own country. So one of the reasons for the provision we incorporated in the Dodd-Frank bill was to provide transparency so that the people of the country, along with the international community, will know exactly where payments are being made for the extraction of mineral wealth in a country.

Senator LUGAR and I also thought that such information would be important for U.S. investors, too. If someone is going to invest in a mineral company, he or she has a right to know where that company is signing contracts and paying money for access to the natural resource(s).

It is also important for U.S. interests. We need stable mineral reserves. As the Presiding Officer knows, we have gone to war over the need for oil. We need stable markets so that we do not jeopardize our own economic progress.

So the Cardin-Lugar provision gives us a chance to follow the money, as the saying goes, in a particular country.

For all of these reasons, Mr. President, we passed a provision as part of the Dodd-Frank legislation that requires every company that is involved in extracting minerals to list those payments specifically by project in their SEC filings.

It was pretty clear as to what needed to be done. We gave the authority to the SEC to issue the necessary regulations. Well, we have been waiting 2 years for these regulations—2 years. We are now well beyond the time limit that was spelled out in the legislation for the SEC to issue its regulations. Yet the SEC still hasn't issued final regulations.

I have read the statute over and over again. I helped write the statute. Senator LUGAR has read the statute. We do not understand the difficulty. It was not a complicated provision. It said exactly what the companies have to do. So we are somewhat puzzled why it has taken this length of time for the SEC to issue its final regulations. In the meantime, we are being denied the benefit of this law. We are being denied the opportunity to protect our investors. We are being denied the opportunity to follow the money, to help promote good governance abroad. All that has been delayed as a result of the SEC's failure to issue regulations.

I must say that it also jeopardizes U.S. leadership. Yes, there are other countries interested in following what the United States is doing. We have heard from Europe, and we have heard from Asia. They want to adopt similar laws. They do not know what to pass because they are still waiting for the SEC to act. So the failure to act isn't just affecting our ability; it is also affecting other countries. Collectively, between Asia, Europe, and the United States, we can pretty much cover all of the international extractive companies and therefore have a real, major impact on transparency on this issue.

I might say that one of the criticisms I have heard is about why we have a separate bill. We already have what is known as the Extractive Industries Transparency Initiative, or EITI. There is an international organization that is voluntary. Countries can join. The United States has participated in the EITI. EITI participants help countries with best practices for developing the governance to deal with how they handle their mineral wealth. EITI is an important program. It is a voluntary program. It works well.

The Cardin-Lugar provision in the Dodd-Frank legislation complement the EITI. The two work together. Between the two, the EITI and our legislation, there's a way that we can really require companies to make the information available in an open way. The EITI gives developing countries the technical assistance they need to manage their mineral wealth in the most effective way for the benefit of their own people, to elevate their wealth and to have a more sustainable economy.

This delay has caused a great deal of concern to many of us. Quite frankly, Oxfam, for example, has filed suit against the SEC for its failure to issue regulations, and I am very sympathetic to that lawsuit.

I wish to inform Senators that we have now been told the SEC will finally issue its regulations on August 22, in just a few weeks. SEC officials have formally responded to the Oxfam lawsuit, saying the agency will issue regulations on August 22. I have received a letter from the SEC indicating the same thing. It is long overdue.

I am looking forward to seeing the regulations from the SEC. I hope the SEC follows the letter and spirit of the legislation. It is up to Congress to pass the laws. SEC needs to implement the laws under direction and guidance from Congress. We have made it clear that we want openness and transparency. I know some oil companies may not like that, but they do not write the laws, we do. It is up to the SEC now to promulgate the regulations that carry out the intent of our law and help us move forward so that the resource wealth of countries in the developing world become a real asset, a real benefit, as they develop sustainable economies and good governance, which helps global stability and helps the global economy.

We will be watching the SEC. I know we will be in recess on the 22nd, but we will be watching the SEC. I hope that Congress and the SEC will be working

together and that the United States will continue exercising its leadership, so that we will see other countries follow suit where we really can make a difference in the wealth and growth of countries around the world that for too long have been suffering even though they have enormous mineral wealth.

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.

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

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

Ms. MURKOWSKI. Mr. President, we have had a great deal of conversation these past several days regarding cyber security. There is no question that we all agree it is a critical issue. I am sure every Member of this body shares the concern that our Nation is vulnerable to cyber attacks, and those attacks could have severe economic and national security ramifications.

We saw just this week over 180 amendments filed to the cyber legislation. I think it is pretty clear that a lot of us have ideas on how best to protect our critical infrastructure. I think that is just one of the reasons I was disappointed that the amendment tree was filled and cloture was filed on the cyber measure.

I don't think that was the process we were promised when the Senate overwhelmingly agreed to consider the cyber security bill. Because Members were denied the opportunity to have a thoughtful and complete debate, the cloture vote failed on a bipartisan basis this morning.

We have heard a lot about the electric grid during this debate and how legislation is needed to protect our Nation's transmission systems from cyber attack. What perhaps has been missing from this debate and discussion is a recognition that Congress had already moved to protect our grid system, and they did so 7 years ago. They enacted the bipartisan Energy Policy Act of 2005.

I am the ranking member on the committee of jurisdiction. I reassure my colleagues that we already have mandatory cyber security standards in place for our electric grid. In the 2005 Energy Policy Act, Congress directed the Federal Energy Regulatory Commission, FERC, the grid's regulator, to set mandatory enforceable reliability standards, including standards for cyber security. And because these standards can be very technical—extremely complex—Congress decided they should be developed through a consensus-driven stakeholder process that is overseen by the Electric Reliability Organization—an organization that we call NERC.

We thought this was so important back in 2005 that we even expanded FERC's traditional jurisdiction to include municipal and cooperatively owned utility systems under these grid reliability standards. Now, it might surprise some to learn that the FERC-NERC mandatory cyber security regime currently regulates over 1,900 different entities and that the electric power sector is already subject to Federal penalties, and these penalties are serious—up to $1 million per day for noncompliance. So there is teeth attached to these standards.

In fact, one of our own government entities—the Southwestern Power Administration—was recently fined by the grid regulators for violating two mandatory cyber standards.

The point is the electric power sector and our grid regulators have been working extremely hard these past 7 years to develop and to implement these cyber standards. We have already taken substantial measures to safeguard our electric utility systems. We have identified our critical assets and established security management controls, performed risk assessments, and trained personnel. We have established sabotage reporting and mandated disaster recovery plans. These are all processes and procedures that have been put in place.

Also, it might surprise some to learn the Nuclear Regulatory Commission—the NRC—has already taken action to protect the Nation's nuclear facilities from cyber attack. The nuclear industry developed a cyber security program for critical assets over a decade ago. The NRC now mandates cyber security plans for nuclear plants, including the identification of critical cyber assets and required contingency and incident response plans. Failure to comply with the NRC cyber requirements also can result in fines and even an order to shut down the nuclear reactor.

So, again, there are standards that have been put in place with compliance requirements and penalties that are attached for failure to comply.

One concern was that the cyber bill was brought to the floor via rule XIV. A concern with this was that it would undermine the existing mandatory framework that Congress has already established within the electric utility grid. By establishing a competing regime—even if that regime was truly voluntary—the Cybersecurity Act the Senate just rejected could duplicate, conflict with, and even supercede the hard work that has already been put in over these past several years to safeguard both our grid and our nuclear facilities.

One of the amendments I had filed to the bill, and I had hoped we would have an opportunity to discuss, was a strong savings clause—a savings clause that would maintain the mandatory protections that are in place. Two competing systems are not workable and could, in fact, make the Nation's grid and nuclear facilities even more vulnerable to cyber attack.

One thing we have learned in the Energy Committee, in overseeing our mandatory cyber practices, is not everything necessarily needs to rise to the level of a foundational standard. But with cyber threats and vulnerabilities that are constantly emerging and constantly changing, I think the one thing we would agree on is that we always need more information.

I think we can also all agree the Federal Government needs to form a partnership with the private sector. The government and the private sector share the same goals—to keep our computer systems and our Nation safe from cyber intrusions. We need the private companies to be talking with each other and with the government about the cyber problems they face as well as potential strategies and the solutions to combat them. We also need our government to provide timely and actionable information to the private sector. It has to go both ways.

So as we go off to our respective States and discuss with our constituents back home the many issues that are out there, I would encourage Members to take a look at what has been introduced by the ranking members—the SECURE IT cyber legislation. Take a look at what has been offered as an alternative. It is a commonsense approach to addressing our ever-increasing cyber threats.

Our bill focuses on four areas where we believe we can reach bipartisan support and which will result in legislation that can get enacted, even given the politics of an election year. The four areas we focus on are information sharing, FISMA reform, criminal penalties, as well as additional research.

Mr. President, I want to close with just some observations quickly about the process. Back in 2005, when the Senate passed the bipartisan Energy Policy Act, it passed by a considerable margin. It was 85 to 12. But we spent a full 2 weeks on the floor considering amendments at that time. We had earlier spent 2 weeks marking up the bill in committee. So what I would like to leave folks with is just the reminder that process really does matter. That is how strong bipartisan pieces of legislation are enacted.

When you forego that process, you don't do that hard work in committee and send an ever-changing bill directly to the floor via rule XIV and then fill the amendment tree, the legislation just doesn't work. It is bound to fail, and that is what we saw today.

A few months ago I came to the floor to advocate for cyber legislation and to express my concern that the all-or-nothing approach to cyber security could result in nothing. After today's vote, that is where we are. That is what we have. I do remain hopeful we can find a path forward on the cyber issue that will result in a truly bipartisan and effective—effective—piece of legislation that will help our Nation's critical infrastructure.

With that, Mr. President, I see my colleague from Louisiana is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

EDUCATION REFORM

Ms. LANDRIEU. Mr. President, as Congress prepares to adjourn for the August State work period, nearly 50 million students are preparing to head back to approximately 100,000 elementary and secondary public schools across the country. What a great responsibility it is for us in Congress and our partners at the State and local levels to engage with parents and teachers to ensure that these 50 million students are well educated. When I travel back to Louisiana this month, I will be visiting students and schools throughout the State, from Lafayette to New Orleans to Bogalusa. I am looking forward to watching stimulating lessons, meeting enthusiastic students and teachers, and learning more about the successes and challenges of Louisiana's schools.

The National Center for Education Statistics estimates that $544.3 billion will be spent in public education this upcoming school year. That is an estimated $11,000 per student. Are we making the most of those dollars? In Congress, we perennially debate the amount of Federal funds we should invest in our public school students. We recognize that many of our States' education systems are underpreparing young people for the changing workforce and increasing global competition. Yet we cannot agree on the appropriate amounts to invest at the Federal level to ensure that all students receive the opportunity for an excellent education. All too often, the debate has been about ''How much?'' rather than about ''How to get better results?'' with existing resources.

Over the last several years, Federal, State, and local governments have taken helpful steps to change the way taxpayer dollars are invested to ensure that our limited resources are driven toward high-impact solutions in education. Mayors and governors across the country are increasingly using data and evidence to steer public dollars to more effectively address the educational needs of their communities and States. At the Federal level, innovation funds have been created to invest in and scale proven solutions. Some of these Federal programs, such as the Social Innovation Fund, Investing in Innovation, and the High-Quality Charter Schools Replication and Expansion Program, provide competitive grants to nonprofit organizations in order to grow promising, evidence-based solutions.

The Social Innovation Fund in particular focuses on three priority areas: economic opportunity, healthy futures, and youth development. Its unique Federal funding model requires all grantees and subgrantees to match Federal resources 1:1, thereby increasing the return on taxpayer dollars and strengthening local support. This program relies on outstanding existing grant-making ''intermediaries'' to select high-impact community organizations rather than building new government infrastructures. Additionally, it emphasizes rigorous evaluations of program results.

In my home State of Louisiana, the Social Innovation Fund recently provided the Capital Area United Way with $2 million to replicate and expand effective early childhood development programs to increase school readiness among children in low-income and rural parishes within the Greater Baton Rouge area. We know that education does not begin in kindergarten, education begins in a child's earliest years of life. New Profit, Inc., received a Social Innovation Fund grant of $15 million over 3 years to collaborate with innovative youth-focused, nonprofit organizations in helping young people navigate the increasingly complex path from high school to college and productive employment. The project will expand the reach of these nonprofits to improve the lives of nearly 8,000 young people in low-income communities throughout the country.

Another program investing in what works is the Investing in Innovation Fund, commonly known as the i3 Program. This program provides competitive grants to local school districts and nonprofit organizations with records of success to help them leverage public-private partnerships to implement education practices that have demonstrated positive impacts on student achievement. Since 2010, the U.S. Department of Education has awarded competitive i3 grants to 72 local school districts and nonprofit organizations in 26 States and Washington, DC.

I am proud that New Schools for New Orleans, in partnership with the Louisiana Recovery School District and Tennessee Achievement School District, received $28 million in i3 funds in 2010 to significantly increase the number of high-quality charter schools in New Orleans and ultimately improve education outcomes for New Orleans' students. With these funds, New Schools for New Orleans is replicating Sci Academy, a high-performing charter high school that New Schools for New Orleans incubated four years ago. Sci Academy just graduated its first class of seniors—with 96 percent matriculating to 7-year colleges. Two new high schools modeled after Sci Academy will open this fall. With the i3 grant, New Schools for New Orleans is also funding the turnaround of a K–8 school, Craig Elementary School in the Treme neighborhood. Dr. Doris Hicks, who runs the very successful Dr. Martin Luther King Charter School in the Lower Ninth Ward, will be overseeing the turnaround of Craig Elementary School, lending her expertise and community credibility to the effort.

The High-Quality Charter Schools Replication and Expansion Program provides competitive grants to successful nonprofit charter management organizations to allow them to increase enrollment at existing charter schools or open one or more new charter schools based on their successful model. Both Rocketship Education out of California and KIPP, Knowledge is Power Program, out of Houston, TX, have received critical funds from this competition in order to expand their reach and serve more students. Both of these well-known and highly popular charter management organizations are opening and operating charter schools in Louisiana and other States across the United States.

On May 18, 2012, the Office of Management and Budget issued a ''Memorandum to Heads of Executive Departments and Agencies'' asking them to demonstrate the use of evidence throughout their fiscal year 2014 budget submissions. This is exactly the right kind of directive—one which taxpayers will be happy to hear. In particular, I am enthusiastic about the potential impact of the provisions in the memo that urge agencies to propose new types of evaluations and consider how evidence can be used in both formula and competitive grant-making programs.

For the Federal Government to make this shift toward requiring more evidence of impact and prioritizing the investment of taxpayer dollars in proven programs, I recognize that there are a number of challenges to address, including a lack of agreement about what constitutes ''evidence'' of impact; the difficulty of measuring certain kinds of interventions or their desired outcomes; the resources it takes to conduct the most rigorous evaluations; a concern that those communities most in need will be unable to compete and, therefore, fall further behind; and a concern that many well-intentioned organizations will lose public funding because they do not currently have the evidence necessary to prove their impact. These are very valid concerns, and I encourage the Office of Management and Budget and all Federal departments and agencies to address them through a thoughtful design of policy approaches.

I strongly encourage my colleagues in the Senate to visit a variety of public schools in their home States this month. Talk with students, parents, teachers, and school leaders. Learn more about their successes and challenges, and consider this question: What is truly working in education and how can the Federal Government be more strategic about investing in evidence-based solutions in our classrooms?

We need to be smarter about how we invest in education if we are going to close the achievement gap, prepare students for the 21st century workforce, and compete in the global arena. Joel Klein, Condoleezza Rice, and a Council on Foreign Relations-sponsored task force recently produced a report called ''U.S. Education Reform and National Security.'' According to the report, ''Educational failure puts the United States' future economic prosperity,

global position, and physical safety at risk. Leaving large swaths of the population unprepared also threatens to divide Americans and undermine the country's cohesion, confidence, and ability to serve as a global leader. . . . The United States will not be able to keep pace—much less lead—globally unless it moves to fix the problems it has allowed to fester for too long.''

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the Senator from North Dakota for allowing me to take a few moments to speak when he was waiting his turn.

I wish to also say Senator HOEVEN has been a terrific member of our Agriculture Committee, coming in, in his first term, and has made a significant difference. He and our chairman of the Budget Committee, Senator CONRAD, have been terrific powerhouses, and they never let me forget that 90 percent of the land in North Dakota is farmland. I thank him for allowing me to take a moment.

AGRICULTURE AND THE DROUGHT

Ms. STABENOW. Mr. President, I am not sure the House has completed the vote yet on a partial disaster assistance program, but I am rising to urge colleagues in the House to join with us in passing the Agricultural Reform Food and Jobs Act, commonly known as the farm bill.

I wish to commend the chairman and ranking member in the House for doing what we did in Senate, which is to work together on a bipartisan basis. They worked very hard with their committee and reported out a bill. We have some differences with that bill, but they worked very hard together, and I know we can come to agreement on something that is a compromise between the House and the Senate. I commend them for doing that.

I am very concerned and very disappointed that the Speaker and the House leadership did not support their efforts to bring this to the floor in July. I was on the Agriculture Committee in the House. This is my fourth farm bill. I have never heard of a situation where there was a bipartisan farm bill reported out of committee and not taken up on the floor. It is very concerning. But nonetheless, I support the chairman and ranking member in the House and look forward to working with them to actually get this done.

My colleagues, of course, remember the long and intense debate we had on this bill, both in committee and on the floor, with more than 70 amendments. I wish to again greatly thank our majority leader for understanding the significance of this bill to the economy and to rural America and to jobs across the country. The majority leader and the Republican leader both allowed us the time to do that, and I very much appreciate that.

We passed the bill, as we all know, with an overwhelming bipartisan vote, 64 to 35. The Senate came together and did what the Senate is supposed to do, and we worked very hard together to be able to get that done.

Especially given the drought and the disaster farmers are dealing with—not just drought but other disasters—it is critical the House follow our lead and both pass a comprehensive disaster assistance program but in the context of real reform and a 5-year farm bill.

The House Agriculture Committee passed their bill. I am anxious and I am, frankly, disappointed they did not have the support they needed to be able to bring it up, bring to the Senate, and put us in a situation where we are able to go to a formal conference committee, which I would like very much to do to resolve differences.

But we do intend to begin that process, speaking together, listening to each other, negotiating in the next few weeks to see if we can't come together informally, to be able to offer a compromise bill to the House and the Senate for consideration.

I wish to remind my colleagues that the farm bill is a jobs bill. Sixteen million people work in our country because of our agricultural economy and our food industry. We have the safest, most affordable food supply in the world. The bright spot is agriculture. Export surplus is in agriculture. We should be doing everything possible to support agriculture, our farmers, our ranchers, both in the short term for disaster assistance but also looking down the road on a 5-year farm bill.

Second, the farm bill expires on September 30, less than 2 months away. We need to get it done. We are racing against the clock right now.

We also know that this year our Nation is experiencing the worst drought in a generation. You turn on the news, and you see serious wildfires in Colorado, Nebraska, Utah, Oklahoma, Arizona, and Montana, among others. You look in Michigan and you see a fruit disaster that relates from warmth and then freeze. We have more than half of the counties in the United States that have been declared disaster areas not just because of drought, which is what the House has addressed partially, but because of weather disasters. That is 1,584 counties across the country, 82 of them in Michigan. We have only one county in Michigan that has not been declared a disaster area. Eighty percent of the country is now experiencing abnormally dry, moderate, or extreme drought, 22 percent of the country is facing extreme doubt, and so on.

As an emergency measure, USDA has opened 3.2 acres of conservation land for grazing and haying, but we know there is a lot more to be done. That is what I want to speak about because when we look at this, all the disasters—and we understand we have to address drought. We have to address what is happening to livestock. I am very proud of what we have done in the Senate, what we passed, which is a stronger Livestock Disaster Assistance Program. It is permanent—not just for a couple of months, it is permanent. But we also understood that there are other kinds of disasters. For those fruit growers and cherry growers in Michigan who have no access to crop insurance—it is not available to them—we made sure there was support for them. For apple growers, for sweet cherries, for juice grapes, for others across the country, we have put in place provisions in the Senate bill.

Frankly, I believe we need to do more and can do more as we look at how this has developed. We need to have the next few weeks to fully look at all that has happened, whether it is livestock in the drought, whether it is wildfires, whether it is what is happening to fruit growers, and put together a comprehensive effort in the context of passing a 5-year farm bill.

But when we look at all this, these are the disaster areas, but most of Michigan is not helped by what the House is doing because it does not include the efforts to help those who currently do not have crop insurance, the fruit growers. Michigan is not helped. The Northeast, again, with fruit, or Florida with fruit, or out West, whether it is California or Oregon or in this whole area—not helped by what the House is doing. I appreciate the first step, and I certainly understand that the agriculture leadership in the House is trying to do whatever they can to take a step, and I commend them for that. But it does not cover this. It covers a good share, but it does not cover every kind of disaster we have before us. And frankly, it doesn't cover disasters waiting to happen because of inaction on a 5-year farm bill.

Let me go through the differences right now between what the House and the Senate have done. We passed a comprehensive 5-year farm bill as well as a comprehensive disaster assistance bill. I will underscore again that I believe that after looking through the next few weeks and looking at everything that has happened, we ought to be looking at what else we can do—not less, as the House did, but potentially more.

Both the House and the Senate have extended the livestock disaster program to 2012. We extend it permanently.

On tree assistance, if you lose the entire tree in an orchard, you are helped—not if you just lose the food, like most of our growers, but the entire tree. These things are the same, so we have sort of disaster-lite up here.

Then, in the Senate bill, we increase payments for livestock producers facing severe drought, so we actually have a stronger payment system and safety net for our livestock producers.

As I said before, we help fruit growers impacted by frost and freeze. We create new crop insurance options so that, going forward, we don't have to be back here every year because we strengthen crop insurance and create opportunities for fruit growers who do not have insurance now to be able to

have crop insurance—which, by the way, producers pay into, and there is no payout unless you have a loss.

We also address urgently needed dairy reforms to save dairies from bankruptcy. In 2009, under the current dairy policy, we lost farms across the country. If we do not act in a 5-year farm bill, in the area of dairy, of milk producers, it is a disaster waiting to happen. So we need to have a comprehensive farm bill that deals with dairy reforms because that is part of avoiding the next disaster.

There is permanent funding, as I said, for livestock disaster assistance and conservation efforts to prevent another dust bowl. One of the reasons we don't have a dust Bowl in many areas where the drought has been horrible, just horrible, is because of conservation efforts that we put in place that have worked. We need to strengthen those.

We give the Forest Service tools to protect and improve forest health and deal with another disaster not dealt with here, which is forest fires all across the country.

We improve crop insurance to protect against disasters, and finally, we provide farmers and ranchers with long-term certainty. They want to know going forward not only what help they will receive this year—and they need it, and we will make sure that happens—but they want to make sure going forward that they have long-term certainty.

I appreciate in my own home State that the commodity growers are very concerned—strongly supportive of the Senate bill, want to support the Senate disaster assistance efforts. In fact, the Michigan Farm Bureau came out today opposing what the House is doing because, from a Michigan perspective, it just doesn't cut it. It is just not enough.

We have gone through efforts that, in fact, will allow us to solve the problem long term and to also address the short term. What we need, after hearing from farmers and ranchers across the country, is a bipartisan farm bill that gives producers long-term certainty so they can make business decisions without worrying about risk-management provisions that are going to expire on September 30—which, by the way, is just 58 days away.

I would like all my colleagues to know that we have really a dual strategy right now, knowing how important this issue is all across the country to rural America and really to everybody—everybody who eats. I think that is everybody. We all have a stake in having a strong agricultural policy, nutrition policy, conservation policy that maintains our position as the world leader in access to safe, affordable food. With or without official conferees and so on, it is our intent to have conversations to see if we might come together on something that would bridge the differences between House and Senate agricultural perspectives.

We know there are things we need to work on together. We are proud of the fact that we passed a farm bill on a strong bipartisan basis, but we understand we need to work with our colleagues and listen. It is our goal to do one of two things: to either have the opportunity to come together in September and offer something that would be a compromise with the House and the Senate that we could offer and look for an opportunity to pass—that is the best thing. It includes comprehensive disaster assistance as part of that. That is far and away what we are hearing from farm country and what we are hearing from those across the country whose livelihood depends on agricultural production in the food economy.

If for some reason we are not able to succeed, we need to assess all of what has to happen in the next 4 weeks and come back together and do what we need to do in September to pass a very strong, comprehensive disaster assistance program—not just for livestock, as important as that is, but for all of our communities in every State where there has, in fact, been a disaster.

We will work with colleagues. We will be offering a bipartisan effort. I am extremely hopeful that we can come together around what really needs to get done, which is a 5-year farm bill. If not, we certainly will make sure that in September we have the opportunity to work together.

As I close, let me just indicate the reason—what happens if we do not do the whole farm bill. We lose deficit reduction. The only thing we voted on in a bipartisan way with deficit reduction, we passed here together. I see colleagues of mine who played a tremendous role in this. The former head of the Department of Agriculture, the Secretary of Agriculture from Nebraska, the distinguished Senator from South Dakota—North Dakota—we did this on a bipartisan basis, $23 billion deficit reduction. We repealed subsidies that we all agreed from a taxpayers perspective we should not be doing anymore. We made some difficult decisions on that. We want to make sure we support farmers for what they grow but not give a payment for what they don't grow. And the number of reforms we did around payment limits and other things, including going through every part of this bill and doing what everybody says we ought to do, some of which is look for duplication, what doesn't work, what ought to be eliminated—and we actually eliminated more than 100 programs and authorizations.

If we don't do a real farm bill, all of this goes away. I suppose you can say the folks who do not want reform would be trying to stop us from passing a 5-year farm bill—certainly the Senate bill—people who do not want reform, people who would like to keep status quo and would like to continue with a system that has not worked for many growers and ranchers. We in the Senate have come together, and we think that is not the right way to go.

I am committed to working with my colleague, the ranking member from Kansas, who I know cares deeply as well about what is happening to livestock producers in his State. We have talked. I know how committed he is to making sure we have the right help to be able to support them. We are committed to doing that. But let's not do half a disaster assistance bill. Let's not do something short term that is less than what producers across the country are counting on us to do. They have sent a loud message. They want us to get it done. There is no reason we cannot. We did it here in the Senate. I believe that if we work in good faith, if we listen to each other, if we trust each other, we can get the whole thing done in September and have, really, something to celebrate and to offer to all of those in rural America, all of those who count on us, every one of the 16 million people who have a job because of agriculture and our food industry.

Mr. President, I yield the floor. My colleague from North Dakota has been extremely patient, and I am very much appreciative of his willingness to allow me to speak.

Mr. HOEVEN. I thank the Senator from Michigan, and actually I am going to yield to the good Senator from South Dakota. I know he has a commitment. He will be brief, so I yield to my colleague from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT

Mr. THUNE. I know it is very confusing, and I thank my colleague from North Dakota for yielding to his colleague from the South.

I hoped to come down and to ask unanimous consent to pass S. 1956 with a committee-reported amendment. My understanding is there is an objection on the other side. I am disappointed about that. I had hoped we would be able to get unanimous consent today to pass what is a very bipartisan bill. It is the European Union Emissions Trading Scheme Prohibition Act. It is a bill that passed by voice vote earlier this week from the Commerce Committee, and a similar measure was passed earlier this year in the House of Representatives by a voice vote. The aviation industry, the administration, consumers, the U.S. Chamber of Commerce, just about everyone believes that the EU must be reined in and it must happen quickly.

In fact, just this week at the Commerce Committee markup Senator BOXER, who is the chairwoman of the Environmental and Public Works Committee, and also a member of the Commerce Committee, said, referring to my bill:

> I think moving it fast is critical because I think it will send a message to the international organization we are trying to nudge forward and know this is the way this is going to be dealt with.

I could not agree more. In 2005, the European Union began their emissions

trading scheme which attempts to cap emissions of carbon dioxide from stationary sources within the European Union. Starting in 2012, in January of this year, aviation operators departing from or landing in Europe began to be included in this emissions scheme. Under this program, any airline, including non-European airlines, flying into and out of Europe will be required to pay for EU emissions allowances. Allowances will be collected for the entirety of the flight including portions in U.S. and international airspace.

This is a great example of this unfair application that is happening right now. We have Olympic athletes flying to and from the London games by air. One such Olympian is from my home State of South Dakota, Paige McPherson, and she is competing in Taekwondo next week. She arrived in London last week and the final leg took her from Newark Airport to Heathrow Airport. During this flight, approximately 555 miles of the 3,500 miles flown, or 16 percent, was actually in EU airspace, but her flight was taxed as if 100 percent of it was in EU airspace. Obviously, this unilateral imposition of the EU ETS on U.S. aviation operators is arbitrary, unfair, and a clear violation of international law. Plus it is being done without any guarantee for environmental improvements and at a huge cost to the aviation industry and constituents we serve.

Let me be clear that no one in Congress is against the EU implementing this European trading scheme within their boundaries. That is obviously their prerogative; that is their jurisdiction. However, I believe any system that includes international and other non-EU airspace must be addressed through the International Civil Aviation Organization, known as ICAO, of which the United States and 190 countries, including all of the EU member states, are members. That is why I introduced this simple bipartisan bill. It gives the Secretary of Transportation the authority to take the necessary steps to ensure America's aviation operators are not penalized by any system unilaterally imposed by the European Union.

The bill also requires the Secretary of Transportation, the Administrator of the FAA, and other senior U.S. officials to use their authority to conduct international negotiations and take other actions necessary to ensure that U.S. operators are held harmless from the actions of the European Union.

It is time for the Senate to join the House of Representatives and the administration in voicing our strong opposition to application of the European Union's emission trading scheme system to American operators. I am sorry that it couldn't be done today because, as I said, this was unanimously reported out of the Commerce Committee earlier this week. We have broad bipartisan support. Democrats and Republicans agree this is an issue that needs to be addressed.

Frankly, it is one that I think could be addressed in a very timely way. The longer we wait, the longer we have American air carriers and therefore American travelers paying into a system where is no guarantee it is going to be used for any kind of environmental improvements in Europe. It is, in effect, a tax on American travelers that would fund European governments. If we want to put it in a crass way, we could say that the American public is being taxed to bail out European nations. That is as simply as I can put this. It is a violation of international law; it is a violation of American sovereignty. It is unfair, unjust, and an illegal tax. It needs to be stopped. This legislation would allow that to happen.

It is unfortunate that we have an objection on the other side to prevent that from happening tonight. I intend to work with my colleagues to get a vote on this when we return in September.

I want to thank my colleague from North Dakota for his graciousness in allowing me to make that statement.

I yield the floor.

Mr. BLUNT. Mr. President, does the Senator from North Dakota have the floor?

Mr. HOEVEN. Mr. President, I rise on another issue, but I yield at least temporarily to see what the good Senator from Missouri has to say.

The PRESIDING OFFICER. The Senator from Missouri.

AGRICULTURE DISASTER

Mr. BLUNT. Mr. President, I am concerned that we are going to go home without an agriculture disaster bill farm families can rely on. This disaster is real. The disaster programs for livestock ran out a year ago, September 30 of last year. We have a chance to do something about that, and I wish to see us do something about that.

The idea that we would decide we could put this off another month, that we can put those families in jeopardy for another month not knowing what their solution seems to me is totally unacceptable.

I will yield the floor to my friend from North Dakota, but I intend to do everything that I can to see we solve this problem with a real solution, not just another Washington excuse as to why we can't do what needs to be done.

The Agriculture industry is a key economic driver for our country, supporting approximately 16 million jobs nationwide. The families that own and run these farms and ranches represent less than 2 percent of America's population, but they raise enough food and fiber to feed the nation. These producers have been greatly impacted by the worst and widest reaching drought to grip the United States in decades, which continues to get worse with no signs of slowing down as we head into one of the warmest months of the year.

On Wednesday the USDA added 218 counties from 12 drought-stricken States to its list of natural disaster areas—bringing the overall total to 1,584 counties in 32 States. That's more than half of all U.S. counties. As of the end of last month, the entire State of Missouri was designated a State of severe to exceptional drought—the worst level of drought possible.

For a State like Missouri, which is heavily reliant on agriculture revenue, this drought has been devastating. Missouri has more than 100,000 individual farms—the second highest number of farms of any state in the nation. Missouri also ranks No. 2 in the Nation in cow calf operations.

Nationwide, 48 percent of our corn crop is now in poor to very poor condition, compared to 45 percent one week ago. Last year, only 14 percent was poor to very poor, while 62 percent was rated good to excellent. Among the hardest hit States, Missouri tops this list with 83 percent of our corn crop rated at poor to very poor. Based off the most recent data, approximately 73 percent of the domestic cattle inventory in the country is within an area experiencing drought. Meanwhile, 57 percent of American pasture and rangeland is in poor to very poor condition this week, compared to 55 percent last week and 36 percent a year ago.

I have talked to many livestock producers who are being forced to decide whether to continue to feed their livestock or whether to liquidate otherwise productive livestock and dairy herds. For the few that have been able to put up hay, they are already taking it back out of the barn to feed—well before the normal feeding time in the winter months. A dairy producer and good friend of mine, Larry Purdom, said just the other day: ''Some are just giving up. Yesterday I saw three dairy herds sell out at the Springfield livestock auction and two more herds were ready to go. I think we could lose up to a third of our dairy cow numbers in Missouri.''

Undoubtedly, the best solution to assist our farmers and ranchers would be for Congress to pass a long term farm bill that includes funding for these disaster programs. I voted for the Senate farm bill, and I still believe we need a long-term bill to provide certainty to our producers. Many of these disaster programs have lapsed, leaving American producers with very few options to make it through this drought. While USDA has granted a primary disaster designation to every county in Missouri, qualifying them for emergency loan—this only gets our producers so far. It's time we step up and take further action. We have an obligation to our nation's producers to act immediately.

The House has passed and sent us a targeted disaster aid bill. This bill is fully offset, and it immediately helps those farmers and ranchers who are facing the worst drought in decades. But instead of moving forward and providing our producers with the assistance they need, the majority has decided to play politics with drought relief.

Now, the Democrats want to send the House the same bill that has already passed Senate, with no immediate disaster assistance attached. As we head into the August work period with no sign of relief in sight, it is unacceptable for the Majority to stand in the way of helping our producers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to thank my esteemed colleague, the Senator from Missouri. I appreciate working with him on many issues, including agriculture, and I share his concern.

I have been on the floor of the Senate this week and past weeks, expressing my desire to pass a farm bill, including agriculture assistance. I believe we can do that. We passed a farm bill here in the Senate. The Agriculture Committee has come forward with a product. We absolutely need to come together, House and Senate, on the farm bill for the good of our farmers and ranchers, including drought assistance and for the good of the country.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 3512 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOEVEN. Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

TERRORIST DETAINMENT

Mr. SESSIONS. Mr. President, it was reported today that Iraq has denied the request of the United States to extradite senior Hezbollah field commander and confessed terrorist Ali Mussa Daqduq, who was recently ordered released by the Iraqi court after our government turned him over to Iraqi custody when our troops left the country.

The administration had years to transfer Daqduq to our detention facility at Guantanamo Bay, but because the President seemed to lack the political will to do so—I think because of campaign promises he improvidently made—one of the most dangerous, reprehensible terrorists ever in our custody will likely be allowed to go free. We should never have been in this position.

I and others saw this coming and we pleaded with the administration not to allow it to happen. Sadly, our warnings fell on deaf ears and, sadly, we were proven correct. Daqduq is responsible for the torture and murder of five American servicemen in Karbala, Iraq, including PVT Jonathan Millican of Locust Fork, AL, who was posthumously awarded the Silver Star for gallantry in action as he attempted to protect his comrades from Daqduq's terrorist actions outside the rules of war. Daqduq and his followers wore American uniforms—an action that he directed. His actions were clearly against the laws of war and he can be held not only as a prisoner of war but as a violator of the rules of war and can be tried and should have been tried before an American military commission.

When U.S. forces captured Daqduq, then the most senior Hezbollah figure in U.S. custody, he provided detailed testimony about the support and training provided by Iran to Iraqi insurgents and admitted to violating the laws of war. He is not a criminal defendant. He is not a member of an organized crime syndicate or some drug dealer. He is a confessed terrorist who committed atrocities against American soldiers during a war duly authorized by Congress. That makes him an unlawful enemy combatant who may be detained until the conclusion of the war or subjected to trial by a military commission. He could be imprisoned for up to life or he could be executed.

Once the military determined he was no longer of use for intelligence purposes when he was in Iraq, he should have been brought to Guantanamo Bay. That was the perfect place for him to be detained. This should have been an open-and-shut case. But President Obama and Attorney General Holder have obstinately clung to the failed law enforcement approach to counterterrorism. They just have. It has been a dispute all the way through the campaign and since they took office. They believe in treating foreign enemy combatants as normal criminal defendants entitled to U.S. constitutional protections and civilian trials. This is contrary to history and contrary to the laws of war. It is contrary to our treaty obligations. Other nations don't do this.

The problem began when, upon taking office, the President decided to ban any new additions to the prisoner population at Guantanamo Bay. We remember that. He didn't like Guantanamo Bay. He thought that was some bad place. So if he transferred Daqduq, or anyone else, for that matter, to Gitmo, he would anger certain of his supporters and violate some of his improvident campaign promises, one of which was to the effect that Gitmo was a cause of terrorism, not a way to prevent terrorism and prevent terrorists from murdering innocent civilians and attacking our military.

So when the report surfaced that the administration planned to transfer Daqduq to the United States for a civilian trial—that was the first report, that he would be brought here for a civilian trial—my colleagues and I wrote to the Attorney General urging him to reconsider and try him before a military commission. For a time, the Attorney General appeared to have relented. But a few months later, it was reported that instead of transferring him to Gitmo, the administration decided to release Daqduq to Iraqi custody.

This time, we wrote to Secretary of Defense Panetta asking him to reconsider that decision. We warned that the Iraqi Government previously had released terrorists who later returned to the battlefield to kill American servicemen. Yet as the deadline for the United States withdrawal from Iraq approached, it became clear the President had no intention of removing Daqduq from Iraq.

The President then struck a deal with Prime Minister al-Maliki to charge Daqduq before an Iraqi criminal court for his acts of terrorism, forgery, and illegal entry, and other offenses.

Now the Iraqi court has had a trial and ordered him released, in spite of the volume of evidence turned over by the United States to be used in the trial, including his uncoerced confessions detailing his role in training the insurgents and his role in the Karbala massacre that I referred to. It appears that it is only a matter of time before he will now be set free.

Recent press reports indicate that the Iraqi authorities are trying to find a way to release Daqduq without angering the White House or embarrassing the President ahead of the election. Well, no one should be surprised that Iraq will not turn him over. We were concerned from the beginning that this would happen.

The administration knew well before it handed over Daqduq that its decision was an abdication of its responsibility to prosecute a terrorist for war crimes against American soldiers—the murder of American soldiers. The administration knew if the Iraqi courts failed to bring him to justice, we may never get a second chance. That was known. And they knew that Iraq would not agree to an extradition request. That has been their policy. So the fact of the matter is we wouldn't be in this position if we had prosecuted Daqduq when we had the opportunity. But now, not only is justice perverted, but he could be returned to the battlefield to kill more Americans, Iraqis, and others.

Unfortunately, Daqduq was not the first, nor will he be the last, example of this administration's unwillingness to confront dangerous terrorists effectively and to process them effectively.

In July of 2009, Senator JON KYL and I wrote President Obama urging him to adhere to this Nation's longstanding policy of not negotiating with terrorists and not to release the Khazali brothers—two of the top Iraqi terrorists trained by Daqduq who were complicit in the Karbala massacre in 2009; but they went forward—in exchange for the release of British hostages held by the terrorist organization called the League of the Righteous.

President Obama authorized the Khazalis' release as part of what the Iraqi Government called its ''reconciliation efforts'' with insurgent groups.

But in reality, this release was a thinly veiled ploy to use Iraq as a middleman in a terrorist-for-hostage exchange in direct violation of President Reagan's policy not to negotiate with terrorists. In fact, there was an Executive order he issued to that effect.

When Iraq released the Khazalis to the League of the Righteous, the terrorist group responded by releasing five British hostages, but, sadly, four of them had already been executed. Qais Khazali immediately, upon his release, resumed his position as leader of the terrorist group and orchestrated the kidnapping of a U.S. civilian contractor in Baghdad less than a month after his release, and Abdul Reza Shahlai, an Iranian Quds Force officer now in Iraq—the Quds Force is one of the most loyal and vicious parts of the Iranian regime—helped Khazali and Daqduq plan the Karbala massacre and helped coordinate the attempt to assassinate the Saudi Arabian Ambassador to the United States on U.S. soil. Do you remember that? That is the same guy.

Despite this alarming track record and the obvious lessons to be learned from its previous mistakes, the administration recently insisted on engaging in negotiations with the Taliban to release five terrorist detainees from Guantanamo Bay—detainees who were categorized previously as ''too dangerous to transfer'' by the administration's own Guantanamo Review Task Force—and they were to be released in exchange for the Taliban's promise in Afghanistan to ''begin'' talks with the Afghan Government.

Negotiating, I suggest, with terrorists is not a profitable enterprise, and in effect that is what that was. Three of the five have ties to al-Qaida. Another met with Iranian officials on behalf of the Taliban immediately following 9/11 to discuss Iran's offer of weapons and support to attack U.S. forces in Afghanistan. Another detainee then under consideration, Mohammad Fazl, is a close friend of the supreme Taliban commander, Mullah Omar, who is accused of killing thousands of Afghan Shiites, and who was responsible for the prison revolt that claimed the life of CIA Officer Johnny Michael Spann, the first American killed in Afghanistan and, incidentally, another brave Alabamian.

As time has passed, it has become clear that the policy of not negotiating with terrorists is sound and essential, and the administration's actions in violation of that policy have failed and they are dangerous.

Indeed, the administration's failed terrorist detention policies appear to have led to a policy that favors killing rather than capture and interrogation of enemy combatants. It is an odd event, but it does appear to have some truth to it.

So today we face a situation in Afghanistan that is similar to that which we faced in Iraq in 2009. Parwan Prison currently houses roughly 2,000 to 3,000 individuals, including high-value detainees.

In August 2011, the Washington Post—last August—reported:

> U.S. officials say that giving Afghans control over the fates of suspected insurgents would allow dangerous Taliban fighters to slip through the cracks of an undeveloped legal system.

I will tell you what that means. It means they will not be able to keep them in those jails. History shows that. They will get their way out of there—through violence, through bribery, through threats, or some other mechanism, and that is what is continuing to happen. It is a big concern of the military. As a Federal prosecutor, who observed this particular issue over the years in Iraq and Afghanistan, it has been a source of concern to me.

In March of this year, the administration agreed to a gradual transfer of control of the prison to the Afghan Government over a period of 6 months, with the United States holding veto power over the release of certain prisoners. However, the Washington Post reported in May—just May of this year—that the administration has been secretly releasing high-value detainees held in Afghanistan in exchange for certain ''promises of support'' from leaders of insurgent groups.

Now, how long do you think that will last? Once we release the prisoner, they are out, but the promises by some Taliban or some terrorists are not going to be honored. Not only do some of these prisoners have ties to Iran or al-Qaida and other terrorist organizations that continue to attack our troops, but their release is not even conditioned on them severing their contact with the insurgent groups.

According to the Washington Post, the administration has approved these releases in part because they do not require congressional approval. That is what they report. It also has been reported that the administration is attempting to repatriate some of the 50 most dangerous militants over which the United States currently retains custody to Pakistan and other Arab countries—this in the face of reports from the Director of National Intelligence that nearly 28 percent of former Gitmo detainees are either confirmed or suspected to have returned to the battlefield to attack America and our allies. That is 28 percent. How many are doing so and we have not yet proven that they have been in the game? I suspect many more than that 28 percent.

So the question inevitably arises: When American detention operations in Afghanistan come to an end, where will the administration take those 50 or so dangerous prisoners, assuming it has not already negotiated with other insurgent groups for their release? If they are not going to release them, what are they going to do with them?

Once again, the administration has kicked the can down the road, just as it did in Iraq, which eventually culminated in the Daqduq mess.

The country cannot afford to continue down this dangerous path, especially in light of the impending withdrawal of our troops from Afghanistan and the administration's agreement to transfer detainees in U.S. custody to the Kabul Government. The same unacceptable result will surely occur.

The President is the Commander in Chief. He has serious responsibilities, and one is to defend the honor, the dignity, and the credibility of the United States. I do not believe we are doing so when we are dealing with terrorists who double-cross us at every turn. He has a duty to those magnificent troops who have answered his call to go into harm's way to execute U.S. policy.

Part of that duty is not to give away what they have fought and bled for, not to give it away after they fought and bled for it, and captured these people. That includes not giving up prisoners whom these soldiers, at great risk and effort, have captured—terrorists who seek to destroy what we have, terrorists we have worked so hard to capture, terrorists who may return to kill more Americans and more Afghans.

This policy cannot be defended. It has to end. So I urge the President and his team to act forcefully now. It may not be too late. With strong action we may be able to ensure that Daqduq is not released, that he is able to be tried for the murders he committed and the American soldiers he killed.

I thank the Presiding Officer and 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. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

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

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

GEORGIA PEANUT COMMISSION ANNIVERSARY

Mr. CHAMBLISS. Mr. President, I rise to commemorate the 50th anniversary of the Georgia Peanut Commission. In 1961, Georgia peanut farmers came together to form a commission that would promote their industry, perform research, educate the community, and conduct outreach around the State. Thus, the Georgia Peanut Commission was born.

We have come a long ways since 1961. As we celebrate this 50th anniversary, it is important to note that Georgia peanut farmers in 1961 harvested 475,000 acres of peanuts with an average yield of 1,200 pounds per acre. But thanks to the evolution of technology and techniques and the hard work and the innovation of Georgia's peanut farmers, farmers in 2011 in Georgia harvested the same amount of land with a yield of more than 3,500 pounds per acre.

Agricultural producers face a combination of challenges, including unpredictable weather and market volatility that determine profit or loss in any given year. Through the Georgia Peanut Commission, Georgia peanut farmers have persevered through the hardships. Georgia leads the Nation in peanut production, producing nearly 50 percent of our Nation's annual crop.

Anyone who has ever stopped by a congressional office on Capitol Hill and taste-tested the complimentary peanuts we offer can thank the Georgia Peanut Commission. Those little red bags are recognized by hungry constituents and staffers alike as a symbol of Georgia agriculture.

Annually, the commission distributes 2 million of those little red bags. The peanut industry is vital to Georgia's economy, contributing some $2 billion annually, and creating nearly 50,000 jobs across the sector. In the past 50 years, peanut farmers with the help of the commission have reduced production costs through research and have worked to stimulate and increase consumption.

Last year, the Georgia Peanut Commission broke ground at the site for its new headquarters in Tifton, GA, which will be the first net-zero energy building affiliated with State government in Georgia. There are many changes happening in rural America. The facade of these rural towns may look different year after year, but the challenges confronting our small towns and communities have not changed. The Georgia Peanut Commission has been critical to the foundation of not just rural Georgia but our entire State's economy.

I am proud to recognize the work the Georgia Peanut Commission has done for our State and congratulations to them on their 50th anniversary.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 6079

Mr. MCCONNELL. Mr. President, earlier this week, the majority leader and a number of his colleagues took to the floor to defend the President's health care law and to tout provisions they believed to be popular with the public. What they didn't do was allow a vote on the entirety of the bill, which proves to be even more of a disaster with each passing day and which the majority of Americans continue to vigorously oppose.

Put another way, Senate Democrats spent nearly an entire day talking about parts—parts—of ObamaCare that polled well but refused to spend 15 minutes being caught on camera voting to uphold the entire law. What are they afraid of? Why will they not allow a vote?

When the health care bill was working its way through Congress, you will recall, former Speaker of the House PELOSI famously said: We need to pass the bill to find out what is in it. Now that we have had some time to study its consequences, I can't think of any reason why Senators wouldn't want to stand and be counted with a vote on the floor either for or against repeal.

Does ObamaCare get a passing grade or not? That is all I asked for on Tuesday, a vote to either reaffirm or repudiate the votes we all took on ObamaCare based on everything we know about it now that we didn't know back then.

It has been clear, in my view, that the Democratic health care law is making things worse and should be repealed in full. A week doesn't seem to pass that we don't learn about some problem this law creates or doesn't solve.

There is a headline in the Wall Street Journal today: ''Small Firms See Pain in Health Law.'' And just yesterday we learned it will increase Federal spending and subsidies on health care by $580 billion, which means even after you count the more than $700 billion it takes out of Medicare, it still increases Federal health spending and subsidies by more than one-half of $1 trillion.

So let's have a vote. Let's have a vote: Is ObamaCare making things better or worse? Let's show the American people where we stand. It is what the American people want. It is a vote they deserve.

When my friends on the other side are represented on the floor, I will ask consent for a vote that would follow the completion of cyber security, so I will defer on asking that consent until the majority leader or one of his representatives comes to the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I would say to my friend, the majority leader, I have already made some comments about why I will be propounding the consent agreement I now propound with him here on the floor.

I ask unanimous consent that immediately following the disposition of the pending cyber security bill, but no later than September 28, the Senate proceed to the consideration of Calendar No. 451, H.R. 6079, an act to repeal the President's health care bill or the so-called ObamaCare; further, that there be 1 hour of debate on the bill, no amendments be in order to the measure, and following that debate the bill be read a third time and the Senate proceed to the vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, there is no other way to say this than my Republican friends are hopelessly stuck in the past. They continue to want to fight battles that are already over.

At the beginning of this Congress, when we were trying to pass an air transportation bill, the Republican leader offered an amendment to repeal the Affordable Care Act. On February 2 of last year, the Senate voted that amendment down. It was defeated.

In March of this year, when we considered the highway jobs bill, Republicans insisted on voting on stopping women from getting contraceptive coverage—part of the Affordable Care Act. On March 1, the Senate voted that amendment down.

Just this week, when we have been considering a bill to protect our country from cyber attack, the Republican leader gave notice that he wanted once again to offer an amendment to repeal the Affordable Care Act. Remember, the House has already voted 34 times to repeal the Affordable Care Act. I repeat, they are hopelessly stuck in the past.

They are stuck in the past when before the Affordable Care Act, insurance companies didn't have to pay for preventive care. They are stuck in the past when before the Affordable Care Act, there was a gap in coverage for seniors' prescription drugs. That is the doughnut hole that we are filling. Republicans are stuck in the past when before the Affordable Care Act passed, insurance companies didn't have to allow young adults up to age 26 to stay on their parents' health insurance.

I have spoken here at least a half a dozen times about my friend from Searchlight, NV, who, at 22 years old, went off his parents' insurance. The time ran out. Within weeks, he was diagnosed with testicular cancer. It about broke his parents. He had no insurance and had two surgeries. That will not happen in the future. This young man was in college. That is what this is to protect.

They are stuck in the past when before this act passed, insurance companies could deny coverage to people because of preexisting conditions. And, by the way, one of those conditions was being a woman; or diabetes; or if a woman had been a victim of domestic abuse. They are stuck in the past when insurance companies could charge women more than men. Republicans are stuck in the past when women didn't have access to the services they need. They are stuck in the past when insurance companies could drop your coverage when you got sick or set some arbitrary limit on how much insurance would pay.

I have talked about a man in Las Vegas who was badly injured, living a pretty decent life even though he was paralyzed—and suddenly he finds he has no insurance, which led him into an awful situation.

Republicans are stuck in the past when insurance companies could use premium dollars for bonuses for the bosses rather than health care. All around America this month there will be hundreds of thousands of people who will be getting a rebate because insurance companies weren't spending enough money on them but, rather, on their own salaries. We set a limit: You have to spend 80 percent of a premium to help people get well. They are stuck in the past and they want to return to when insurance companies were king. They are hopelessly stuck in the past.

But there was a vote that we should all focus on, on the Affordable Care Act. It was a 5–4 vote that upheld that bill. The Supreme Court of the United States did that. But I guess they didn't get the news. The Supreme Court ruled the act is constitutional. It is the law of the land now.

We need to move on. They need to catch up on the fact that people want us to work to create jobs, whether it is in Alaska, Nevada, Kentucky—any of the States. But they want us to vote on repealing the Affordable Care Act.

On July 19, they blocked us from voting on a bill to prevent outsourcing jobs—which, by the way, their Presidential nominee is very good at doing. Now they want us to vote on repealing the Affordable Care Act.

On July 12, they blocked passage of the small business jobs bill that would have helped small businesses all over this country. They wanted to vote on repealing the Affordable Care Act.

But on March 29, they blocked a bill to promote renewable energy.

On March 13, they blocked Senator STABENOW's amendment to extend expiring energy tax credits.

They wanted to vote on the Affordable Care Act, and they stopped us from proceeding to put workers back on the job building and modernizing America, and that was done on November 3.

On October 20, they blocked the motion to proceed to a bill to keep teachers and first responders on the job.

They so badly want to go back and fight these old battles that they blocked a motion to proceed to the American Jobs Act.

They blocked us on a bill to reauthorize the Economic Development Administration, something that has been done as a matter of fact in the past, creating thousands of jobs in America. They wanted us to vote on repealing the Affordable Care Act.

One day last year, after weeks of debate, they blocked the bill to improve small business innovation. That, by the way, is one of the programs that has done so many interesting things, including inventing the electric toothbrush.

Republicans are hopelessly stuck in the past. They need to stop trying to repeal a law enacted 3 years ago. The Supreme Court has declared it constitutional. Let's move on to try to get jobs for people.

So I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I believe we are now on a motion to proceed to S. 3457; is that correct?

The PRESIDING OFFICER. That is correct.

CLOTURE MOTION

Mr. REID. I have a cloture motion 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 motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

Harry Reid, John F. Kerry, Bernard Sanders, Kent Conrad, Al Franken, Tom Udall, Christopher A. Coons, Mark Begich, Patty Murray, Bill Nelson, Amy Klobuchar, Thomas R. Carper, Robert Menendez, Jim Webb, Kirsten E. Gillibrand, Jeff Merkley, Jack Reed.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived and that the vote with respect to this motion occur at 2:15 on Tuesday, September 11.

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

Mr. ROCKEFELLER. Mr. President, I would like to thank Chairman MURRAY for her work on the Veterans Jobs Corps Act.

The unemployment rate for our young, returning veterans is higher than that national average, and this is a travesty. This important bill would invest $1 billion in creating a Veterans Jobs Corps to help our veterans transition into civilian life and get job placements in important areas of law enforcement, first responders positions, or positions in parks and forests involving restoration and protection of our public lands.

The bill makes other strategic investments to improve our infrastructure to help veterans with their job search. Veterans deserve access to Internet at one-stop job centers, as well as qualified outreach specialists to help disabled veterans seek employment. It is designed to help ensure that veterans get the credit they deserve for their training and military experiences when they seek civilian certification and licenses.

I would also like thank Leader REID and Chairman MURRAY and their staffs for working with me to find an acceptable offset for this legislation, which would have had an impact on the National Energy Technology Laboratory, NETL, located in West Virginia. NETL does critically important research on improving the safety and environmental sustainability of offshore oil and gas development and importantly for my State they are working on identifying measures that can be taken to reduce the environmental impact and improve the safety of shale gas production. I am pleased that we will be able to switch out the objectionable offset and move this bill forward quickly as soon as we return from recess.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

DISABILITIES CONVENTION

Mr. REID. Mr. President, the Disabilities Convention enjoys strong bipartisan support in the Senate, with Senators MCCAIN, DURBIN, KERRY, BARRASSO, COONS, TOM UDALL, MORAN, and HARKIN leading the charge to ratify the Convention. With their help, I hope we will be able to move this treaty forward in the future.

Twenty-two years ago, Congress passed the Americans with Disabilities Act to lift the barriers Americans with disabilities faced in everyday life. And ever since the passage of that law, the United States has been a leader in expanding disability rights across the globe.

We have led, other countries have followed, and persons with disabilities have found ever greater opportunities to succeed. Now we are presented with an opportunity to strengthen our leadership on disability rights around the world by joining the Convention on the Rights of Persons with Disabilities.

This convention is another step towards ensuring that all people with a disability, in any country, are treated with dignity and given the right to achieve to their full potential.

Let me read part of a recent statement to the Foreign Relations Committee from one of my esteemed predecessors, former Senate Majority Leader Bob Dole, recipient of two Purple Hearts and a Bronze Star for heroic achievement, who was wounded fighting for our country in World War II.

U.S. ratification of the [Convention] will improve physical, technological and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad. . . . An active U.S. presence in implementation of global disability rights will promote the market for devices such as wheelchairs, smart phones,

and other new technologies engineered, made, and sold by U.S. corporations.

This convention will help U.S. citizens and veterans abroad, and U.S. businesses here at home. And it won't cost us anything. It won't require any changes to existing U.S. law and or new contributions to the United Nations.

As we watch the Olympics this week and admire the incredible feats of all of the athletes, we are reminded of what each of us can achieve.

Just look at Oscar Pistorius from South Africa—also known as the—''Blade Runner,'' who this Saturday will run the 400-meter sprint in the Olympics on carbon-fiber legs.

Or watch Jessica Long, an American gold-medal bilateral amputee swimmer, participate in her third Paralympics Games at the age of 20.

This convention will help make the path smoother for Olympians such as Oscar and Jessica.

It has the support of veterans group and disability groups from around the Nation. It has the strong backing of a bipartisan group of Senators as well as leading Republicans such as President George H.W. Bush and Senator Dole.

Just like passing the Americans with Disabilities Act, ratifying this Convention is, quite simply, the right thing to do.

REMEMBERING PHILIP PENDLETON ARDERY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an honored Kentuckian and a man of great accomplishment who leaves behind a towering legacy of service with his passing. Mr. Philip Pendleton Ardery of Louisville, KY, passed away on July 26, 2012, at his home. He was 98 years old.

Mr. Ardery's life story reads like a well-written novel of action, suspense, and drama or several novels, given how much living he packed into his 98 years. A war hero, philanthropist, author, public servant, and committed flag bearer of New Deal liberalism, he made such a profound impact on my hometown of Louisville, the Commonwealth of Kentucky, and our Nation that I feel compelled to come to the floor and say a few words about his passing.

I have great admiration and respect for Phil and his remarkable life. That may surprise some, given that he and I did not have a lot in common with respect to our political or ideological views. I am certain that much of what I have done in my career in public life did not please him one bit. Having said that, every American, no matter where you stand on the political spectrum, has to recognize the extent of Philip Ardery's commitment to service. Service was the watchword of his life, be it service to State, Nation, or those less well off than himself.

Phil was born in 1914 in Lexington, KY, the son of William Breckinridge and Julia Hoge Spencer Ardery. Later in life, he moved to a farm on the Paris-Lexington Pike. His youth in Bourbon County forever left an imprint on him, and he loved to share his love for the area with others.

Phil graduated Phi Beta Kappa from the University of Kentucky in 1935 and graduated from Harvard Law School in 1938. Also in his Harvard Law class was Phil's boyhood friend from Bourbon County, Edward F. Prichard, Jr.

After law school, Phil joined the Army Air Corps, and during World War II he became a B–24 squadron commander. Phil flew a full combat tour of 25 missions, dropping bombs on Norway, Austria, Crete, Italy, France, Belgium, and Holland. He then volunteered for one more mission on D-day and commanded a division of about 200 pilots. For his bravery in uniform, Phil was awarded the Silver Star, the Distinguished Flying Cross, and the French Croix de Guerre. He later wrote a book about his war exploits, called ''Bomber Pilot: A Memoir of World War II.''

While still training as a pilot in Texas, Phil met the woman who would become his wife, Anne Stuyvesant Tweedy. Together they had four children. They married on December 6, 1941, the day before the attack on Pearl Harbor.

After the war, Phil practiced law with a focus on representing the electric cooperatives bringing power and lights to rural Kentucky. A loyalist of Franklin D. Roosevelt's, he would remain committed to the ideals of New Deal liberalism for the rest of his life. He ran for office a few times, including in the Democratic primary for a Senate seat in 1946 and in the general election for the House of Representatives seat from Kentucky's Third District in 1956. He lost both those races, but did win a race for Jefferson County Fiscal Court in 1958.

Meanwhile, Phil's longtime friend and Harvard Law School classmate Edward F. Prichard, Jr., was having quite the political career in President Roosevelt's administration. Known in Kentucky as ''the boy wonder,'' it was a near certainty that Prichard would run for Governor or Senator someday, and almost surely win.

But a dramatic twist that would ruin the two men's friendship caused that not to be. Prichard came to Phil and confessed to him that he had participated in a crime. Phil took Prichard to Phil's father, who was a Bourbon County circuit judge at the time, to relate his story. This chain of events eventually led to Prichard's conviction of stuffing the ballot box in the State's 1946 election. He was sentenced to 2 years in Federal prison.

In yet another book Phil wrote, a memoir titled ''Heroes and Horses: Tales of the Bluegrass,'' Phil wrote that it was not Edward's crime in and of itself that created the rift between the two friends, but his public denial of wrongdoing. ''That put [him] in the position of making my father appear to be a liar,'' Phil wrote. ''So Prich and I had to be enemies.''

This story does, however, have a happy ending. Although friction remained between the Ardery and Prichard families, in 1976, Prichard finally admitted his guilt in a newspaper interview. In 1984, Ardery reached out to his old friend, who was by then blind due to diabetes. Phil paid the expenses for the two men to visit Harvard for a celebration of the 100th anniversary of the birth of their former law professor, Supreme Court Justice Felix Frankfurter.

After watching a friend's son struggle with schizophrenia, Phil helped found what has become Wellspring, a network of 19 facilities that provides housing and rehabilitation to people with severe and persistent mental illness. Wellspring has helped more than 6,000 people over its 30 years in existence, thanks in large part to millions of dollars raised by Phil.

Phil also helped found the Brain & Behavior Research Foundation, a national mental health research group that has awarded roughly $300 million in grants to scientists around the world in the past 25 years.

Phil served as the first commander of the Kentucky Air National Guard, and led it during the Korean War in England, where he served as a NATO wing base station commander. He retired with the rank of major general in 1965. As a pilot in London, he met and befriended famous names like Edward R. Murrow and T.S. Eliot.

Phil's many philanthropic activities also include service as director and president of the Frazier Rehab Center, as a director of the Jewish Hospital Health Care Systems, and as a member of the Kentucky Horse Park Foundation, the Kentucky Humanities Council, and the executive committee of the Kentucky Historical Society. He was the chairman of the American Heart Association and the Kentucky Heart Association.

I know several members of the Ardery family well, and I want to convey my and Elaine's deepest condolences to all those who knew and loved Philip Ardery. We are particularly thinking today of his wife, Anne; his son and daughter-in-law Joseph and Anne; his son and daughter-in-law Philip and Cecilia; his daughter and son-in-law Julia and William; several grandchildren; and many other beloved family members and friends. Phil was preceded in death by his son Peter.

As I hope I have made clear, Philip Ardery packed an amazing amount of success and accomplishment in his long and rich life. We can be grateful that such a devoted public servant was granted so much life on this Earth to do his good works. There is no doubt that thousands of people—from the rural Kentuckian who needed electricity, to the beneficiaries of his charitable work, to the many whose lives were saved thanks to his service in uniform—have reason to be thankful for Mr. Ardery.

I would ask my Senate colleagues to join me in commemorating his commitment to service and in extending sympathies to the Ardery family. The Commonwealth of Kentucky will be proud to remember the life and deeds of Mr. Philip Pendleton Ardery.

REMEMBERING JANIE CATRON

Mr. McCONNELL. Mr. President, today I rise in memory of Janie Catron of Corbin, KY. Elaine and I mourn the passing of our dear friend Janie, who served as my field representative in eastern Kentucky for many years when I was first elected to the Senate. She was a great friend and she will be missed. Elaine and I send our condolences to Janie's family and to all those who knew her.

Born on July 2, 1940, in Eubank, KY, to Jesse and Pauline Griffin, Janie was a registered nurse by trade. She was ordained in the Sacred Order of Deacons with the Episcopal Diocese of Lexington and began serving as Chaplain of St. Agnes House. She also was my eastern Kentucky field representative for 10 years.

Always interested in politics, Janie was active her whole life in civic service to the Commonwealth of Kentucky. In 1977, she was named the Fifth District governor of the Kentucky Federation of Empowered Women. She, besides aiding me in eastern Kentucky, was active in the State central committee and even became secretary of the committee. In recognition of her dedication to Kentucky and the Republican Party, in 1995, she was inducted into the Fifth District Lincoln Hall of Fame, which honors Kentuckians who have committed to promoting the values of the Republican Party.

Yet, Janie's legacy is greater than her career and political recognitions. As a pastor, she will be remembered as a woman who aided those around her and helped improve their lives. As a mother, she will be remembered as a selfless woman who always loved her children. As a friend, I will forever admire how hard she worked for the people she loved and the causes in which she believed.

Today, I ask my colleagues in the Senate to join me in extending condolences to Janie Catron's children, family, and friends. The Times Tribune, a publication from Whitley County, KY, published an obituary that highlighted Janie's life achievements. Mr. President, I ask unanimous consent that said article appear in the RECORD.

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

[From the Times Tribune, July 10, 2012]

JANIE CATRON

Reverend Janie G. Catron, 72, of Lexington, passed away Sunday, July 8, 2012, at the University of Kentucky Chandler Medical Center in Lexington.

Janie was born on July 2, 1940, in Eubank, daughter of the late Jesse and Pauline Griffin. She was a member of the Episcopal Church of the Good Shepherd in Lexington. Janie was ordained in the Sacred Order of Deacons with The Episcopal Diocese of Lexington, where she served as a chaplain of St. Agnes House. She was very devout to her calling and held a particular interest in pastoral care. She was selfless and giving in her actions, words, and deeds, and genuinely enjoyed helping to improve the lives of those around her. A registered nurse by profession, she also enjoyed Kentucky politics and worked for 10 years as the eastern Kentucky field representative for U.S. Sen. Mitch McConnell. She will be fondly missed by all who knew her.

Janie is survived by her children, Frances Catron Cadle (Ron), Lexington; Reba Catron Beirise (Tim), Lexington; Dr. Charles Paul Catron (Nicky), Vidalia, Ga.; and James Catron (Lillian), London; a sister, Kay Denham (Jackson), Somerset; a brother, Jeff Griffin (Sue), Eubank; one daughter-in-law, Sharon Wagers, Rome, Ga.; grandchildren, Matthew Alexander, Caneyville; Laura Catron, Lexington; Frank Thomas, Frankfort; Frank H. ''Hank'' Catron III, Rome, Ga.; Takoda and Emily Hacker, London; Mary Lauren and Julia Catron, Vidalia, Ga.; and one great-grandchild, Collin Alexander, Southshore; along with a host of family and friends.

She was preceded in death by her son Frank H. ''Casey'' Catron Jr.

Visitation will be held today (Tuesday, July 10, 2012) at Kerr Brothers Funeral Home, 3421 Harrodsburg Rd., Lexington, Ky. from 5 to 8 p.m.

A celebration of Janie's life will be held on Wednesday, July 11, 2012, at 10 a.m. at The Church of the Good Shepherd, 533 E. Main St., Lexington, Ky.

A visitation will be held on Thursday, July 12, 2012, in her longtime home of Corbin at O'Neil Funeral Home, 201 N. Kentucky St., Corbin, Ky., from 10 a.m. to 1 p.m. with a second celebration of life following at 1 p.m.

In lieu of flowers, memorial gifts may be sent to the St. Agnes House, 635 Maxwelton Court, Lexington, Ky. 40508, or to the ALS Association, Development Department, 27001 Agoura Rd., Suite 250, Calabasas Hills, Calif. 91301.

TRIBUTE TO MORGAN FRENCH

Mr. McCONNELL. Mr. President, I rise today to honor the life of Mr. Morgan French, of Radcliff, KY, who passed away in February 2012 at the age of 92. The U.S. Army's Warrior Transition Battalion at Fort Knox will soon be honoring Morgan by naming its barracks after him. Today, I would like to pay tribute to this American hero.

Originally from Perryville, KY, Morgan was a military veteran who personified the ''greatest generation.'' He served in the U.S. Army with the renowned ''Harrodsburg Tankers,'' Company D of the 192nd Tank Battalion. The Harrodsburg Tankers—including Morgan and his brother, Edward—were in the Philippines' Bataan Peninsula in the spring of 1942 and came under heavy attack by Japanese forces. Morgan's brother, Edward, was killed and Morgan was taken as a prisoner of war, POW, by Japanese troops. He spent nearly three-and-a-half years of his life as a POW, enduring extreme conditions and harsh treatment. This brave Kentuckian maintained hope and courage throughout these hardships and was finally liberated by Allied Forces in September 1945. Morgan's military service did not end with World War II, however. Following his nearly three-and-a-half years as a POW, he returned to active duty, served two tours in the Korean War, and became a member of the Kentucky National Guard. Morgan retired from the military in 1962 after 23 years of service. He continued to work selflessly as a civilian, teaching at the U.S. Army Armor School at Fort Knox until 1984.

Morgan and his wife, Maxine—who preceded him in death—made Radcliff their home for almost half a century. I can't think of a more fitting tribute than for the U.S. Army to name the Warrior Transition Battalion barracks at Fort Knox after Morgan French, an American hero.

STOCK ACT

Mr. McCONNELL. Mr. President, S. 3510 addresses the concerns raised by 14 of the most highly respected folks in the national security field, from Michael Chertoff to Mike Mcconnell to Michael Mukasey, all of whom wrote with serious concerns about the application of one provision of the STOCK Act requiring online posting of financial data which would potentially impact the national security and the personal safety of national security and law enforcement professionals and their families. These are very serious concerns they have raised, and given that we are on the eve of the August district work period, we do not have time to adequately address those concerns. Thus, this very short bill adopts their joint recommendation to delay implementation until the national security and personal safety implications can be fully evaluated. Not one change has been made to what is required to be reported, and there is no change to the longstanding requirement that all these reports are already available in person. It is for the safety and security of our brave men and women that we need to ensure they are protected which is exactly what this bill does.

Mr. President, I ask unanimous consent to have a letter dated July 19, 2012, addressed to congressional leaders printed in the RECORD.

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

JULY 19, 2012.

Re Application of Section 11 of the STOCK Act to National Security Officials.

Hon. HARRY REID,
Majority Leader,
United States Senate,
Hon. ERIC CANTOR,
Majority Leader
House of Representatives,
Hon. MITCH MCCONNELL,
Minority Leader,
United States Senate,
Hon. NANCY PELOSI,
Minority Leader,
House of Representatives,
Hon. CARL LEVIN,
Chairman of the Senate Committee on Armed Services, United States Senate,
Hon. BUCK MCKEON,
Chairman of the House Committee on Armed Services, House of Representatives,
Hon. JOHN MCCAIN,
Ranking Member of the Senate Committee on Armed Services, United States Senate,
Hon. ADAM SMITH,
Ranking Member of the House Committee on Armed Services, House of Representatives,
Hon. JOHN KERRY,
Chairman of the Senate Committee on Foreign Relations, United States Senate,
Hon. ILEANA ROS-LEHTINEN,
Chairman of the House Committee on Foreign Affairs, House of Representatives,
Hon. RICHARD LUGAR,
Ranking Member of the Senate Committee on Foreign Relations, United States Senate,
Hon. HOWARD BERMAN,
Ranking Member of the House Committee on Foreign Affairs, House of Representatives,
Hon. JOE LIEBERMAN,
Chairman of the Senate Committee on Homeland Security and Governmental Affairs, United States Senate,
Hon. PETER KING,
Chairman of the House Committee on Homeland Security, House of Representatives,
Hon. SUSAN COLLINS,
Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, United States Senate,
Hon. BENNIE THOMPSON,
Ranking Member of the House Committee on Homeland Security, House of Representatives,
Hon. DIANNE FEINSTEIN,
Chairman of the Senate Select Committee on Intelligence, United States Senate,
Hon. MIKE ROGERS,
Chairman of the House Permanent Select Committee on Intelligence, House of Representatives,
Hon. SAXBY CHAMBLISS,
Ranking Member of the Senate Select Committee on Intelligence, United States Senate,
Hon. DUTCH RUPPERSBERGER,
Ranking Member of the House Permanent Select Committee on Intelligence, House of Representatives,
Hon. PATRICK LEAHY,
Chairman of the Senate Committee on the Judiciary, United States Senate,
Hon. LAMAR SMITH,
Chairman of the House Committee on the Judiciary, House of Representatives,
Hon. CHUCK GRASSLEY,
Ranking Member of the Senate Committee on the Judiciary, United States Senate,
Hon. JOHN CONYERS, JR.,
Ranking Member of the House Committee on the Judiciary, House of Representatives.

DEAR CONGRESSIONAL LEADERS: We are writing to express concern about section 11 of the Stop Trading in Congressional Knowledge Act (the STOCK Act), which requires that the financial disclosure forms of senior executive branch officials be posted on the Internet by August 31. While we agree that the government should have access to the financial information of its senior officials to ensure the integrity of government decision making, we strongly urge that Congress immediately pass legislation allowing an exception from the Internet posting requirement for certain executive branch officials, in order to protect the national security and the personal safety of these officials and their families.

The STOCK Act was intended to stop insider trading by Members of Congress. However, section 11 of the Act, which was added without any public hearings or consideration of national security or personnel safety implications, requires that financial data of over 28,000 executive branch officials throughout the U.S. government, including members of the U.S. military and career diplomats, law enforcement officials, and officials in sensitive national security jobs in the Defense Department, State Department and other agencies, be posted on their agency websites.

It is not clear what public purpose is served by inclusion of Section 11. We are not aware that any transparency concerns have been raised about the adequacy of the existing review process for executive branch officials, most of whom have devoted their careers to public service. For several decades, executive branch officials have prepared and submitted SF–278 financial disclosure forms to their employing agencies. The completed forms and the extensive financial data they contain are carefully reviewed by agency ethics officers in light of the specific responsibilities of the officials submitting them in order to identify and eliminate potential conflicts of interest. Although the forms may be requested by members of the public, they are not published in hard-copy or on the Internet. Moreover, individuals requesting copies of the forms must provide their names, occupation, and contact information. Agencies generally notify the filing officials about who has requested their personal financial information.

In contrast, Section 11 of the STOCK Act would require that the financial disclosure forms of executive branch officials be posted on each agency's website and that a government-wide database be created containing the SF–278s that would be searchable and sortable without the use of a login or any other screening process to control or monitor access to this personal information.

We believe that this new uncontrolled disclosure scheme for executive branch officials will create significant threats to the national security and to the personal safety and financial security of executive branch officials and their families, especially career employees. Placing complete personal financial information of all senior officials on the Internet would be a jackpot for enemies of the United States intent on finding security vulnerabilities they can exploit. SF–278 forms include a treasure trove of personal financial information: the location and value of employees' savings and checking accounts and certificates of deposit; a full valuation and listing of their investment portfolio; a listing of real estate assets and their value; a listing of debts, debt amounts, and creditors; and the signatures of the filers. SF–278s include financial information not only about the filing employee, but also about the employee's spouse and dependent children.

Posting this detailed financial information on the Internet will jeopardize the safety of executive branch officials—including military, diplomatic, law enforcement, and potentially intelligence officials—and their families who are posted or travel in dangerous areas, especially in certain countries in Asia, Africa, and Latin America. Embassy and military security officers already advise these officials to post no personal identifying information on the Internet. Publishing the financial assets of these officials will allow foreign governments, and terrorist or criminal groups to specifically target these officials or their families for kidnapping, harassment, manipulation of financial assets, and other abuse.

Equally important, the detailed personal financial information—particularly detailed information about debts and creditors—contained in the SF–278s of senior officials is precisely the information that foreign intelligence services and other adversaries spend billions of dollars every year to uncover as they look for information that can be used to harass, intimidate and blackmail those in the government with access to classified information. Yet under the STOCK Act, these SF–278s will be placed on the Internet for any foreign government or group to access without disclosing their identity or purpose and with no notice to the employees or their agencies. We should not hand on a silver platter to foreign intelligence services information that could be used to compromise or harass career public servants who have access to the most sensitive information held by the U.S. government.

Section 11 could also jeopardize the safety and security of other executive branch officials, such as federal prosecutors and others who are tracking down and bringing to justice domestic organized crime gangs and foreign terrorists. Crime gangs could easily target the families of prosecutors with substantial assets or debts for physical attacks or threats.

Finally, publishing detailed banking and brokerage information of executive branch officials, especially with their signatures, is likely to invite hacking, financial attacks, and identity theft of these officials and their families, particularly by groups or individuals who may be affected by their governmental work.

Given these inevitable adverse national security consequences, we urge you to amend the STOCK Act to protect U.S. national security interests and the safety of executive branch officials by creating an exception from the requirements of Section 11 for senior executive branch officials with security clearances. The exception should also apply to other officials based on a determination by an agency head that an exception is necessary to protect the safety of the official or the official's family. At the very minimum, Congress should act to delay implementation of Section 11 until the national security and personal safety implications can be fully evaluated.

If the financial disclosure forms of senior executive officials are actually posted on the Internet in August, there will be irreparable damage to U.S. national security interests, and many senior executives and their families may be placed in danger. This issue is too important to be trapped in partisan politics. We urge Congress to act swiftly, before the Congress goes on its summer recess on August 6.

Sincerely,

Richard Armitage, Deputy Secretary of State, 2001–2005; John B. Bellinger III, Partner, Arnold & Porter LLP; Legal Adviser, U.S. Department of State, 2005–2009; Legal Adviser, National Security Council, The White House, 2001–2005; Joel Brenner, National Counterintelligence Executive, 2006–2009; Inspector General, National Security Agency, 2002–2006; Michael Chertoff, Secretary of Homeland Security, 2005–2009; Jamie Gorelick, Deputy Attorney General, 1994–1997; General Counsel, Department of Defense, 1993–1994; John Hamre, Deputy Secretary of Defense, 1997–2000; Michael Hayden, General USAF (RET); Director of the Central

Intelligence Agency 2006–2009; Director of the National Security Agency 1999–2006; Mike McConnell, Vice Admiral USN (RET); Director of National Intelligence, 2007–2009; Director of the National Security Agency, 1992–1996; Michael B. Mukasey, Partner, Debevoise & Plimpton; Attorney General, 2007–2009; U.S. District Judge, Southern District of New York, 1988–2006; John Negroponte, Deputy Secretary of State, 2007–2009; Director of National Intelligence, 2005–2007; Thomas Pickering, Under Secretary of State for Political Affairs, 1997–2000; Former U.S. Ambassador; Frances Townsend, Assistant to the President for Homeland Security and Counterterrorism, 2004–2008; Kenneth L. Wainstein, Assistant to the President for Homeland Security and Counterterrorism, 2008–2009; Assistant Attorney General for National Security, Department of Justice, 2006–2008; Juan Zarate, Deputy National Security Advisor, Combating Terrorism, 2005–2009; Assistant Secretary of the Treasury, Terrorist Financing and Financial Crimes, 2004–2005.

PRO FORMA SESSION APPOINTMENTS

Mr. MCCONNELL. Mr. President, in January of this year the President of the United States made several appointments without obtaining the Senate's advice and consent. He asserted that the Recess Appointments Clause of the Constitution authorized these appointments, even though the Senate was conducting a series of pro forma sessions at the time of the appointments. According to the administration, these pro forma sessions had no legal effect on the President's authority under this Clause because pro forma sessions do not allow the Senate to perform its constitutional functions or conduct business. The Congressional Research Service has found, however, that pro forma sessions, such as the ones occurring during the time of these so-called recess appointments, have satisfied—and continue to satisfy—numerous Constitutional, statutory, and legislative requirements, and that the Senate, in fact, has conducted business during such sessions. The Congressional Research Service also has found that the administration has repeatedly recognized the legal validity of pro forma sessions for purposes of satisfying these various requirements. I ask unanimous consent that the analysis of the Congressional Research Service from March 8, 2012 entitled ''Certain Questions Related to Pro Forma Sessions of the Senate'' be printed in the RECORD following this statement.

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

CONGRESSIONAL RESEARCH SERVICE,
March 8, 2012.

MEMORANDUM

To: Senate Minority Leader

From: Christopher M. Davis, Analyst on Congress and the Legislative Process, 7–0656

Subject: Certain Questions Related to Pro Forma Sessions of the Senate

This memorandum responds to your request for information about certain pro forma sessions of the Senate. Specifically, you asked CRS to identify instances in which a pro forma session of the Senate might be interpreted as accomplishing some further end in addition to meeting the constitutional requirement that neither chamber recess or adjourn for extended periods without the permission of the other.

PRO FORMA SESSIONS OF CONGRESS GENERALLY

Under Article I, Section 5, Clause 4 of the Constitution, neither chamber of Congress may adjourn or recess for more than three days without the consent of the other. In calculating such a three day period, either the day of adjourning or the day of convening must be included. Sundays are excluded from the calculation, being considered a dies non under longstanding parliamentary law.

A chamber can adjourn within the three day limit, for example, from Thursday to Monday, or from Friday to Tuesday, by simply adopting a motion. Should a chamber wish to leave for a longer period, however, the other chamber must consent to the absence. Historically, for such purposes, the two houses have most often adopted a concurrent resolution through which each consents to the absence of the other for a specified period.

In the normal course of business, party leaders in one or both chambers may wish to schedule periods of absence that exceed the three day constitutional limit by only a short period, perhaps by as little as one day. It is not uncommon, for example, for the House or Senate to adjourn from Thursday to Tuesday, or from Friday to Wednesday. In instances of this type, the chambers have evolved a practice of holding a short session sometime during the absence to comply with the constitutional limit described above. Such ''pro forma'' sessions, or sessions held for the sake of formality, allow a chamber to comply with the Constitution but not expend the time or trouble of acting on an adjournment resolution. In most cases, little or no business is conducted during such sessions because it is generally understood that few Members are present, and that the primary purpose of the meeting is to obviate the need to agree to an adjournment resolution. The Senate often adopts an order by unanimous consent which specifies that such a meeting or series of meetings is to be pro forma and that no legislative business is to be conducted on such days.

It is important to note that the term pro forma describes the reason for holding the session, it does not distinguish the nature of the session itself. In common congressional usage, Members and staff often use the term pro forma as being synonymous with a session at which no business will be conducted. While the primary purpose of a pro forma session of the Senate may be to comply with the constitutional strictures on adjournment, a pro forma session is not materially different from other Senate sessions. While, as noted above, the Senate has customarily agreed not to conduct business during pro forma sessions, no rule or constitutional provision imposes this restriction. Should the Senate choose to conduct legislative or executive business at a pro forma session, it could, providing it could assemble the necessary quorum or gain the consent of all Senators to act. The House of Representatives, which is bound by the same constitutional requirements as the Senate, regularly permits business on pro forma days, including the introduction and referral of legislation, the filing of committee reports and cosponsorship forms, and the receipt and referral of executive communications and Presidential messages. Even in cases in which the Senate has agreed not to conduct business at a pro forma session, it could subsequently adopt a second consent agreement which would permit them do so.

OTHER MOTIVATIONS OR PURPOSES FOR PRO FORMA SESSIONS OF THE SENATE

While the primary purpose of a pro forma session of the Senate has been to comply with the constitutional limits on adjournments and recesses, it is possible that such meetings, being sessions of the Senate, may have additional purposes as well. At your request, CRS examined pro forma sessions of the Senate which occurred between the 109th Congress (2005–2006) and the present as well as the opening day of each Senate session between 1934 and the present, in order to identify sessions which may have satisfied some other purpose in addition to compliance with Article I, Section 5, Clause 4 of the Constitution. On the basis of these data, CRS identified two pro forma sessions at which legislative business was conducted, three periods of pro forma sessions that allowed the Senate to avoid returning nominations to the President, and six pro forma days that satisfied the constitutional or statutory requirement that the Senate convene a new session. In addition, both the Senate and the Executive Branch take pro forma sessions into account in calculating various required time periods pursuant to expedited procedure statutes. The following sections discuss each of these categories in turn.

The instances cited in this memorandum cannot be said to be exhaustive, but are intended to underscore the idea that pro forma Senate sessions may be motivated by factors other than complying with the constitutional limit on adjournments, and may satisfy the requirements of other procedural authorities, including other provisions of the Constitution, Senate rules, and statutes.

PRO FORMA SESSIONS AT WHICH LEGISLATIVE BUSINESS WAS CONDUCTED

Using information from the Legislative Information System of the U.S. Congress (LIS) and relevant issues of the daily Congressional Record and Senate Calendar of Business, CRS identified 114 pro forma sessions of the Senate which occurred between January 4, 2005 and March 8, 2012. These pro forma sessions are identified in Table 1.

Of these 114 pro forma meetings of the Senate, CRS identified two at which legislative business appears to have been conducted. On both of these occasions, the two houses had agreed to no adjournment resolution, so that the Senate was required to meet in order to avoid violating the constitutional prohibition on absences of more than three days length. The days in question are:

December 23, 2011: On this day, the Senate adopted an order by unanimous consent which provided for Senate passage of a H.R. 3765, a House measure extending the, ''payroll tax, unemployment insurance, TANF, and the Medicare payment fix.'' The consent order further provided that upon receiving a message from the House of Representatives requesting a conference with the Senate on H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012, the Senate agree to the request, and the Senate presiding officer be authorized to appoint Senate conferees with a party ratio of 4–3. An enrolled measure was also signed on this day by Sen. Reid, serving as Acting President Pro Tempore.

August 5, 2011: On this day, the Senate, by unanimous consent, passed H.R. 2553, a measure to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend the airport improvement program.

In the first instance cited above, the previous meeting of the Senate had occurred on Tuesday, December 20, 2011. In the second instance, the Senate had most recently met on Tuesday, August 2, 2011. At both of these pro forma sessions, pursuant to unanimous consent orders adopted by the Senate, no legislative or executive business was to be conducted. The Senate subsequently, however,

decided to conduct business during the session.

PRO FORMA SESSIONS WHICH SATISFIED SENATE RULES GOVERNING THE RETURN OF PRESIDENTIAL NOMINATIONS

CRS also identified three distinct periods of recent pro forma Senate session which, in addition to satisfying the constitutional limits on recesses and adjournments discussed above, also seemed to satisfy provisions of the Senate's standing rules related to the consideration of presidential nominations. Paragraph 6 of Senate Rule XXXI, states in part:

. . . if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

In short, unless the Senate takes action (such as adopting a unanimous consent request) to override the provisions of Rule XXXI, the Senate Executive Clerk is supposed to return all nominations to the President at the outset of any period in which the Senate is to be absent for more than thirty calendar days.

In the three instances identified, the Senate held only pro forma meetings during periods in excess of thirty days. In each period, however, nominations were not returned to the President pursuant to Rule XXXI. It seems apparent that the Senate viewed its occasional pro forma meetings as a means of preventing a recess of more than thirty days for purposes of these requirements of it rules. Arguably, the Executive Branch, not having had its nominations returned to it as would be the well-established practice, was also at least aware of the Senate's understanding in this regard. The three periods in question identified are:

August 2—September 6, 2011: The Senate held pro forma sessions during this 34-day period of recess. No unanimous consent agreement was identified to hold pending nominations in status quo and they were not returned to the President.

September 29—November 15, 2010: The Senate held pro forma sessions during this 47-day period of recess. No unanimous consent agreement was identified as being adopted prior to the recess to hold pending nominations in status quo and they were not returned to the President.

2008–2009: The Senate held pro forma sessions during three relevant periods of recess in 2008–2009: August 1–September 8, 2008 (31 days); October 2–November 17, 2008 (46 days); and November 20, 2008–January 3, 2009, the balance of the 110th Congress (43 days). Consequently, although no unanimous agreement was identified as having been adopted in 2008 to hold pending nominations in status quo, they were not returned to the President until the sine die adjournment of the Congress.

PRO FORMA SESSIONS OF THE SENATE WHICH SATISFIED THE 20TH AMENDMENT

CRS also identified six pro forma meetings of the Senate which satisfied the provisions of Clause 2 of the 20th Amendment to the Constitution.

Clause two of the 20th amendment to the Constitution states:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

At your request, CRS examined the opening day session of each regular and special session of the Senate held between 1934 and the present, the period coinciding with the period that paragraph 2 of the 20th Amendment has been in force. CRS identified six Senate pro forma opening day sessions which satisfied the constitutional requirements for convening its session on the prescribed date. These opening day pro forma sessions were:

January 3, 1980
January 3, 1992
January 3, 2006
January 3, 2008
January 5, 2010
January 3, 2012

With one exception, the January 3, 1980 session, each of these meetings was pro forma in nature, with no legislative or organizational business conducted. In the case of the January 3, 1980 session, the Senate referred a previously-received message from President Jimmy Carter transmitting his veto of S. 2096, a bill to provide for a study by the Secretary of Health, Education, and Welfare of the long-term health effects in humans of exposure to dioxins. In addition, five Senators inserted undelivered remarks in the Congressional Record on this day. The approximate duration of the January 3, 1980 session of the Senate was two minutes.

PRO FORMA SESSIONS COUNT FOR PURPOSES OF COMPUTING CERTAIN STATUTORY TIME PERIODS

Finally, CRS has identified several rules enacted in statute under which pro forma sessions are treated as sessions of the Senate like any other for purposes of computing certain time periods related to actions taken by Congress and the President. Pro forma Senate sessions satisfy not only the limits on recesses and adjournments contained in Article I, Section 5, Clause 4, but also the provisions of each of these statutory rules in the eyes of both the Executive and Legislative Branches.

Congress sometimes chooses to include in law provisions which delegate to the President or another Executive Branch official the authority to issue a regulation or take some other specified action. As part of this delegation of authority, Congress often reserves the right in the law to pass its own judgment on the proposed regulation or action, typically by passing a joint resolution to approve or disapprove it before it takes effect. To facilitate action on such a joint resolution, Congress often writes into law special parliamentary procedures for considering the measure, including strict time periods for the introduction, committee action, and floor consideration of such a joint resolution. Such statutory procedures are often colloquially referred to as ''fast track'' procedures because they expedite the consideration of specified legislation in one or both chambers.

Time periods under such statutory rules are usually calculated in one of two ways. The first way marks time by counting days of ''House/Senate session.'' Under such a mechanism, any day which the House or Senate meets counts toward the deadline established by the law. Under the terms of the Congressional Review Act, for example, the Senate has 60 days of ''Senate session'' to act under fast track procedures on a joint resolution which would disapprove a proposed rule promulgated by the Executive Branch. Both branches understand and have agreed to this time period for expedited action before a proposed agency rule can enter into force. When calculating time periods under statutory rules of this type, pro forma sessions of the Senate count as days of Senate session; that is, they are viewed as a session of the Senate like any other.

The second way of counting time which is common in such statutory rules is known as counting ''days of continuous session.'' This way of calculating time periods takes into account the differing schedules of the House and Senate. When counting days of continuous session, every calendar day is counted, including Sundays and holidays, and the count pauses only when either the House or Senate (or both) have adjourned for more than three days pursuant to an adjournment resolution. For example, under the terms of the Defense Base Closure and Realignment Act of 1990, the Secretary of Defense may not close or realign any of the specified military installations until 45 ''days of continuous session'' have elapsed after a base closure plan is submitted to the House and Senate. As with the Congressional Review Act described above, both the Legislative and Executive Branch understand and have agreed to be bound by this manner of counting.

As with days of Senate session, pro forma meetings of the Senate are also taken into account by both branches when calculating ''days of continuous session'' for purposes of such statutory rules. Should the Senate meet in a series of pro forma sessions, a statutory ''days of continuous session'' clock would continue to run not only on the days of the pro forma sessions themselves, but also during the intervals of three or fewer days between the pro forma sessions, when the Senate was absent but formally in recess.

CRS has identified 22 statutory legislative procedures now in law which calculate time periods in either or both of the ways discussed above and which take pro forma days of Senate session into account in conducting a specific calculation. These statutory rules are:

Executive Reorganization Authority (5 U.S.C. 902–912). (Days of continuous session);

District of Columbia Home Rule Act, 303(b), 602(c), 604. (Days of continuous session);

Title X of the Congressional Budget and Impoundment Control Act of 1974, 1011–13, 1017. (Days of continuous session);

Multiemployer Guarantees, Revised Schedules [Employee Retirement Income Security Act of 1974, 4022A (29 U.S.C. 1322a)]. (Days of continuous session);

Atomic Energy Act Provisions on Nuclear Non-Proliferation [42 U.S.0 2153–60]. (Days of continuous session);

Trade Act of 1974, Procedures for Trade Implementing Bills and Resolutions of Disapproval [19 U.S.C. 2191–2192]. (Days of continuous session);

Energy Policy and Conservation Act [42 U.S.C. 6421]. (Days of continuous session);

Nuclear Waste Fund Fees [42 U.S.C. 10222]. (Days of continuous session);

The Atomic Energy Act of 1954, As Amended (22 U.S.C. 2776(b)). (Days of continuous session);

Federal Election Commission Regulations, 311(d) [2 U.S.C. 438(d)] (Days of Senate session);

Crude Oil Transportation Systems, [43 U.S.C. 2008]. (Days of continuous session);

Alaska National Interest Lands Conservation Act [16 U.S.C. 3232–3233]. (Days of continuous session);

Federal Lands Policy and Management Act of 1976 [43 U.S.C. 1701]. (Days of continuous session);

Marine Fisheries Conservation Act [16 U.S.C. 1823]. (Days of continuous session);

Nuclear Waste Policy Act of 1982 [42 U.S.C. 10101]. (Days of continuous session);

Defense Base Closure and Realignment of 1990, as amended [10 U.S.C. 2687 note]. (Days of continuous session);

Congressional Accountability Act of 1995 [2 U.S.C. 1384]. (Days of continuous session);

Congressional Review of Agency Rulemaking [5 U.S.C. 801, 802, 804]. (Days of continuous session and days of Senate session);

Balanced Budget and Emergency Deficit Control Act 258 [2 U.S.C. 904(i), 907a–907d]. (Days of continuous session);

Medicare Cost Containment, Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [31 U.S.C. 1105 note]. (Days of Senate session);

Minimum Standards for Identification of Documents; Intelligence Reform and Terrorism Prevention Act of 2004 [49 U.S.C. 44901 note]. (Days of Senate session); and

Independent Payment Advisory Board [42 U.S.C. 1395kkk]. (Days of continuous session).

TABLE I. PRO FORMA SESSIONS OF THE U.S. SENATE: 2005–2012

[As of March 8, 2012]

Congress & Years	Pro forma Day
112th (2011–2012)	
	02/24/2012
	02/21/2012
	01/20/2012
	01/17/2012
	01/13/2012
	01/10/2012
	01/06/2012
	01/03/2012
	12/30/2011
	12/27/2011
	12/23/2011
	12/20/2011
	11/25/2011
	11/22/2011
	10/27/2011
	10/24/2011
	10/07/2011
	09/29/2011
	09/02/2011
	08/30/2011
	08/26/2011
	08/23/2011
	08/19/2011
	08/16/2011
	08/12/2011
	08/09/2011
	08/05/2011
	06/03/2011
	05/31/2011
111th (2009–2010)	11/12/2010
	11/10/2010
	11/08/2010
	11/04/2010
	11/01/2010
	10/29/2010
	10/26/2010
	10/22/2010
	10/19/2010
	10/15/2010
	10/12/2010
	10/08/2010
	10/05/2010
	10/01/2010
	01/19/2010
	01/05/2010
	10/09/2009
	08/10/2010
110th (2007–2008)	12/30/2008
	12/26/2008
	12/23/2008
	12/19/2008
	12/16/2008
	12/12/2008
	12/05/2008
	12/02/2008
	11/29/2008
	11/26/2008
	11/24/2008
	11/13/2008
	11/10/2008
	11/06/2008
	11/03/2008
	10/30/2008
	10/27/2008
	10/23/2008
	10/20/2008
	10/16/2008
	10/14/2008
	10/10/2008
	10/07/2008
	10/06/2008
	09/05/2008
	09/02/2008
	08/29/2008
	08/26/2008
	08/22/2008
	08/19/2008
	08/15/2008
	08/12/2008
	08/08/2008
	08/05/2008
	07/27/2008
	06/30/2008
	05/29/2008
	05/27/2008
	05/23/2008
	03/27/2008
	03/24/2008
	03/21/2008
	03/18/2008
	02/22/2008
	02/19/2008

TABLE I. PRO FORMA SESSIONS OF THE U.S. SENATE: 2005–2012—Continued

[As of March 8, 2012]

Congress & Years	Pro forma Day
	02/ I 5/2008
	01/18/2008
	01/15/2008
	01/11/2008
	01/09/2008
	01/07/2008
	01/03/2008
	12/31/2007
	12/28/2007
	12/26/2007
	12/23/2007
	12/21/2007
	11/29/2007
	11/27/2007
	11/23/2007
	11/20/2007
	11/09/2007
	10/05/2007
	09/14/2007
109th (2005–2006)	01/24/2006
	01/20/2006
	01/03/2006

Source: CRS analysis of relevant issues of the Congressional Record, Senate Calendar of Business, and data from the Legislative Information System of the U.S. Congress (LIS).

I trust that this information meets your needs. If I can be of any additional help, please do not hesitate to contact me at 7–0656 or cmdavis@crs.loc.gov.

DROUGHT

Mr. DURBIN. About 2 weeks ago, I visited a farm near my home town of Springfield, IL to see the impact of the ongoing drought.

From the road, I couldn't tell there was anything wrong with the crop.

But as we went into the field, it quickly became clear that the crop was in poor shape.

Following that visit, I met with the Illinois corn growers and the soybean growers and farmers from across the state.

The message I heard was straightforward; it is as bad or worse than it has been in decades.

Since that visit to a Springfield farm, drought conditions have only gotten worse.

100 percent of Illinois and 64 percent of the country is facing severe or harsher drought conditions.

Today, USDA announced 66 additional Illinois counties as primary disaster counties.

With this announcement, all but four counties, Will, Cook, Kane, DuPage—in Illinois qualify for disaster assistance

Very little rain, combined with abnormally high temperatures, is decimating many of the primary crop-growing areas of the country.

71 percent of the corn crop and 56 percent of the soybean crop in Illinois is rated as poor or very poor.

This is in a State that regularly ranks as a top producer for both of these commodities.

That means feed prices for livestock and eventually food prices for the rest of us are increasing.

Everyone is going to feel the impact of this historic drought

In response to conditions on the ground, Governor Quinn created a multi-agency drought task force in Illinois.

The task force is coordinating State and Federal resources to ensure producers and communities are receiving the timely assistance.

President Obama and Secretary Vilsack have done a commendable job of taking steps to help provide assistance to impacted producers and communities.

They have sped up the disaster declaration process helping producers more quickly gain access to the limited disaster programs currently available.

They have reduced interest rates on emergency loans.

They have made it easier for land that is in conservation to open earlier for haying and grazing for livestock producers.

And the administration is working with crop insurance companies to try to give producers more time to make premium payments.

But we can do more.

And since we can't make rain, the single most important step Congress can take is to pass a farm bill.

Most farmers will tell you they can survive one bad year.

But right now farmers can't even plan for future years.

More than a month ago, the Senate passed the Local Food, Farms, and Jobs Act, more commonly known as the farm bill, with a 64—35 bipartisan vote.

The bill would reauthorize several expired disaster programs to immediately help producers.

Equally, if not more important, the bill would provide certainty for producers—allowing them to make long-term plans for getting through this drought and recovering from a bad year.

Unfortunately the House has failed to act.

In the roughly 40 days since the Senate passed a bill, the House has not even brought a companion measure to the House floor. During those 40 days another 20 percent of the country has developed drought conditions. During those 40 days, 98 of 102 counties in Illinois qualified for disaster assistance. During those 40 days, many farmers in Illinois have lost their crops.

It is well past time for the House to take up and pass a farm bill that includes robust disaster assistance paired with the long-term policy farmers need.

I will repeat something I said 2 weeks ago.

Our producers and rural America already face a natural disaster. I don't think it is too much that we spare them a manmade disaster by failing to pass a farm bill.

DEATH OF OSWALDO PAYÁ

Mr. DURBIN. Mr. President, some of you may have seen in the press last week that an inspiring Cuban citizen who tirelessly fought for a peaceful transition to democracy recently died in a tragic car accident on that island.

Oswaldo Payá was a modest man. A brave man. A hero. A Cuban patriot.

And he was also very wise.

He realized that one of the best ways to change the cruel and repressive Cuban regime was to work from within.

He used a provision in Cuba's constitution to seek peaceful political change and openness.

More specifically, he and his team created the Varela Project to gather more than 11,000 signatures of Cuban citizens on a petition that called for a more open political system.

Keep in mind that putting one's name on a petition to the Cuban Government is a courageous thing to do on that island. It puts that person and his or her family at great risk.

Nonetheless, in May 2002, he bravely presented the petition to the Cuban National Assembly for action exactly as allowed for in the Cuban Constitution.

What did the Cuban Government do in response to a heroic and reasonable call for change allowed for under the country's own laws?

It harassed Payá and his followers. It began its own referendum that made the island's socialist system ''irrevocable,'' even after an additional 14,000 signatures were added to the Varela Project petition.

A year later many of Payá's allies were arrested in a crackdown that sent many dissidents, writers, and even librarians to prison.

Can you believe this craven response?

The Cuban Government couldn't blame this Cuban-born effort on the United States, on other outside forces, on any of the usual suspects on which it blames all the island's woes.

Thousands of brave Cubans asking for political reform within the bounds of their own constitution were simply belittled, ignored, and harassed.

Payá was a modest man. I had hoped to meet him on my trip to the island earlier this year, but we were unable to visit—you see, the Cuban government doesn't want outsiders to visit people like Payá.

His peaceful and tireless efforts for peaceful change earned him the European Parliament's Sakarov Prize for Freedom of Thought in 2002, the National Democratic Institute's W. Averell Harriman Democracy Award in 2003, and a nomination for the Nobel Peace Prize from Václav Havel in 2005.

Payá's daughter Rosa Maria said amid her loss and tears last week that her father never gave up hope that the country could be changed from within and that ''he just wanted for Cubans to have their rights . . . that's all he ever wanted.''

Tragically the Cuban Government even arrested almost 50 Cubans who showed up to pay their respects at Payá's funeral.

Can you imagine—arresting people at a peaceful memorial service?

My colleagues, Senators BILL NELSON, MENENDEZ, and RUBIO, have introduced a Senate resolution recognizing his work and calling for the peaceful democratic changes in Cuba that Payá spent his life pursuing. I am pleased to be a cosponsor of that resolution and was happy to see that it passed the Senate just yesterday.

Lastly, let me note that Payá was often concerned for his safety—sadly, given the Cuban Government's treatment of those wanting political freedom, not an unwarranted fear.

So I want to emphasize an important point in the Senate resolution on Mr. Payá. Specifically, I call on the Cuban Government to conduct a credible and transparent investigation into the auto accident that caused his death.

The Cuban Government owes this Cuban patriot and the Cuban people nothing less than a full accounting of his death. It also owes them the basic freedoms he tirelessly stood for.

Mr. President, I want to also take this opportunity to talk about another tragedy that continues day after day in Cuba—that of the detention of American citizen Alan Gross.

Alan was arrested more than 2½ years ago while trying to help the Cuban people have greater ability to communicate with one another.

When you go to Cuba, you realize the Castro regime not only blames the United States for all its woes but cynically makes it difficult for everyday Cubans to communicate or connect to the outside world using the Internet.

That is why thousands upon thousands of Cubans use a free Internet library every year at the U.S. Interests Section in Havana.

Alan Gross was arrested initially as a spy and eventually sentenced to 15 years in prison.

That is right—15 years.

Mr. Gross apologized for his actions and has asked for Cuban compassion to allow him to visit his 90-year old mother suffering from inoperable lung cancer in the United States. The United States recently let a former Cuban detainee who was out on supervised release in the United States visit his ailing brother in Cuba, but the Cuban Government has shown no such decency in return.

I met Alan in January in Cuba, and I am appreciative of the Cuban Government for allowing me that visit. He tried to remain in good spirits, but it wasn't easy. He has lost more than 100 pounds since his incarceration. He struggles to keep busy and healthy in jail, but it is not easy. Quite simply, he has been separated from his family for far too long.

Alan Gross is a kind, decent man. He is no spy. He is no threat to anyone. In fact, despite all that has happened, he noted to me how deeply he still cares for the Cuban people.

Let me say this as clear as I can: Alan Gross should no longer be a pawn of the Cuban Government in its disagreements with the United States.

The Cuban Government has made its point. It will get nothing but international shame from holding Alan any longer.

Let me also note that I do not support the failed U.S. embargo against Cuba and think the best way to see change on the island is to flood it with American ideas and people.

But I will have to think long and hard before I do anything further to ease our relations while Alan remains so cruelly behind bars.

To Oswaldo Payá's family and brave colleagues and to Alan Gross, please know that you are not forgotten here in the Senate and around the world.

TRIBUTE TO REPRESENTATIVE PAUL FINDLEY

Mr. DURBIN. Mr. President, today I wish to honor former Congressman Paul Findley—a great American who served his country in war and in the hallowed halls of Congress, a son of Illinois, a prolific writer and Lincoln scholar, a former political adversary, and my now friend.

Paul Findley was born in Jacksonville, Illinois, on June 23, 1921. And at 91 years of age, today Paul is as active and involved as he has ever been. Paul earned a bachelor's degree from his beloved Illinois College in his hometown in 1943, where he was inducted into the prestigious Phi Beta Kappa society. After college, Paul served as a lieutenant in the Navy in the Pacific Theater from 1943 to 1946. His honorable service and that of the dwindling number of living Americans who served during World War II—one of the most difficult periods in our country's history is something we should all take time to reflect on and thank them for.

After the war, Paul became president of Pike Press, Inc., in Pittsfield. He spent several years as editor of this small town weekly newspaper. In 1952, Findley lost a bid for the Republican nomination for State senator—something he and I have in common, having lost our first campaigns for public office—but it didn't stop either of us.

In 1960 Paul Findley was elected to the U.S. House of Representatives representing the 20th Congressional District of Illinois. He served in the House honorably for more than 20 years, until in 1982 a young lawyer from Springfield and a long shot to win surprised a lot of people, including many of his supporters, by unseating the incumbent Findley. Though Paul Findley and I were opponents in that campaign, I always respected him and his public service. Notwithstanding what is often a bitter and rancorous climate of partisan politics, I am proud to call Paul Findley my friend.

One of Paul Findley's greatest accomplishments during his long and distinguished congressional career was his dogged, ultimately successful effort to preserve a great American treasure—the Springfield home of our beloved son of Illinois, Abraham Lincoln. Strolling today through this historic neighborhood at the heart of Springfield, as thousands of visitors do each year, it would be almost inconceivable that preserving Lincoln's home was ever a matter of debate. But it once

was. Back in the 1950s, the site visitors see today looked very different.

Where now-restored historic homes line a gravel street in a stately and peaceful neighborhood, then stood souvenir shops surrounded by a neighborhood that Paul Findley would later recall was, ''rundown and decaying in all directions.'' The Lincoln home itself—what Lincoln's own private secretary once called ''the precious heirloom of the republic''—was then the property of the State of Illinois.

For years, developers had tried to encroach on the historic site with the goal of exploiting the area for commercial opportunities. Some wanted a theme park. Others tried to build wax museums or hotels or buffet restaurants in close proximity. Still others had been trying unsuccessfully to ensure the home's restoration and the preservation of the historical integrity of the surrounding area. In Congressman Paul Findley, those who wanted to honor this piece of history found their champion.

Findley traces his own interest in this project back to a presentation at a meeting of the Pittsfield Chamber of Commerce in 1955 well before he held elected office. At the meeting, a Springfield resident presented a case for preserving the Lincoln Home and developing the site commercially. While the plan for development never got off the ground, the presenter did make a point that Findley never forgot—that the Lincoln Home had largely been neglected compared to other Presidential homes. This, Findley regarded as ''shameful, awful, scandalous.'' It was in 1967, as the congressman representing the district that encompassed the Lincoln site that Findley became directly involved and took up the mantle of this effort. After years of lining up local, state, and national support, Congressman Findley announced in 1969 at a Springfield dinner that he would introduce legislation in Congress to make the site part of the National Park System. At that dinner was New York Governor Nelson Rockefeller, whom Findley had successfully enlisted in the effort,

The late Senators Charles Percy and Everett Dirksen introduced companion legislation in the Senate. The bills had the support of every member of the Illinois congressional delegation. But even with all this support, as those of us who have been around here long enough know, the fight wasn't over. Money, as always, was an issue. People began trying to raise private funds. Congressman Findley worked tirelessly to get the attention of the relevant committee and subcommittee chairs—Democrats held the majorities in both Chambers at the time. Among other things, he invited key members to Springfield to tour the site after which they usually agreed to support his efforts.

I have no doubt that the commitments of these members to support his bill had as much to do with Findley's tenacity, passion, and determination as it did the power of seeing the Lincoln Home in person.

Then the Nixon administration threw its support behind Findley, and even asked that the bill be amended to fully authorize the appropriation required for the site—so the private fundraising was unnecessary. The House passed the bill first, and it enjoyed, as Findley says, ''swift approval'' in the Senate we can't say that about too many matters around here anymore. On August 18, 1971, years of efforts culminated in a ceremony in the Old State Capitol in Springfield, just blocks away from the Lincoln Home. With Congressman Findley looking on, President Richard Nixon signed the Findley bill authorizing the establishment of the Lincoln Home National Historic Site.

Think about it, this was an effort championed by a Republican Congressman, passed by a Congress controlled by Democrats, and signed by a Republican President. It was a different time. One year after the signing ceremony, then-President of the Illinois State Senate, Paul Simon, signed legislation transferring the title for the Lincoln home to the National Park Service.

Thanks to the leadership of Congressman Paul Findley and the many local supporters of his efforts—including then-Springfield Mayor Nelson Howarth, the first superintendent of the Lincoln Home National Historic Site Albert Banton, the architect of the Lincoln Home Visitor Center and early supporter of preservation efforts Wally Henderson, and countless others—visitors to the site today can stroll the street Lincoln once strolled and take in the neighborhood in much the same way it would have looked to him more than 150 years ago.

The experience of visiting the Abraham Lincoln National Historic Site will undoubtedly inspire generations of young Americans to serve their country, just as Paul Findley has and as Abraham Lincoln did.

This is Paul Findley's legacy.

It is a legacy that forever will be intertwined with President Lincoln—an honor that Paul richly deserves.

Throughout his 91 years on this Earth, my friend and this great American, Paul Findley, has made an indelible mark on our State of Illinois and our country—and he has not done yet.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Mr. DURBIN. Mr. President, last week, the Senate Foreign Relations Committee reported out the Convention on the Rights of Persons with Disabilities.

How fitting that this treaty was considered and passed by the Senate Foreign Relations Committee on the 22nd anniversary of the enactment of Americans with Disabilities Act.

If anyone questions how important this treaty is to the millions of Americans living with disabilities, all they needed to do was look around the room at the hearing earlier this month. The hearing room was filled to capacity—standing room only—with people urging the Senate to ratify this important document.

The United States has led the world in creating the legal framework, building the infrastructure, and designing facilities that ensure inclusion and opportunity for those living with disabilities. We celebrated the 22nd anniversary of the Americans with Disabilities Act—''ADA''—by reporting the treaty out of the Foreign Relations Committee on a strong bipartisan basis. I thank Sen. Kerry for holding that hearing and moving the treaty through the committee process.

As the majority leader has made clear, the Convention on the Rights of Persons with Disabilities will soon be considered on the Senate floor. The Members of this body will have an opportunity to affirm our Nation's leadership on disability issues by ratifying this important treaty. I hope that we will do so. And I hope we will ratify this treaty with the strong bipartisan support that has always characterized the Senate's work on disability issues.

For the 54 million Americans living with a disability, laws like the ADA have provided an opportunity to learn, travel, work, and live independently. Perhaps no one knows that better than Ann Ford of Springfield, Illinois. Ann had polio as a child and for many years she commuted on crutches. This challenging and energy-consuming task required Ann to meticulously plan every trip. At the grocery store, Ann would purchase all she needed in 20 minutes, in order to be home before becoming exhausted.

After the ADA was enacted, the store manager invited Ann to use a recently purchased electric scooter. Ann remembers that day clearly, in part because she shopped for an hour and a half going up and down every aisle in the store.

Most of us don't give a second thought to buying groceries. But for Ann and millions like her, our Nation's commitment to removing physical barriers has expended their world. Now, we have an opportunity to demonstrate our commitment and advance disability rights around the world by ratifying this treaty.

The support for this treaty is broad and bipartisan. I thank my friend, Senator JOHN MCCAIN, for leading this effort with me. Heis a great ally and without him we would not have made such great progress.

I also thank Senator BARRASSO, HARKIN, TOM UDALL, MORAN, and COONS for their bipartisan support and dedication to the ratification effort.

This treaty is supported by 165 disability organizations, including the United States International Council on Disabilities, the American Association of People with Disabilities, Disability Rights Education & Defense Fund, and the National Disability Rights Network, and 21 veterans groups, including

the Wounded Warrior Project, the American Legion, Disabled American Veterans, and Veterans of Foreign Wars are also calling on us to ratify this treaty. President George H.W. Bush, who signed the ADA into law, and former Senator Bob Dole, a lifelong advocate for disability rights, are strong proponents of this treaty.

The Convention on the Rights of Persons with Disabilities is a human-rights treaty that seeks to ensure that people living with disabilities are afforded the same opportunities available to others. Thanks to the ADA and similar laws, the United States has been so successful providing opportunities, increasing accessibility, and protecting the rights of those living with disabilities that our Nation is already in full compliance with all terms of the treaty.

Before transmitting this treaty, the Obama administration conducted an exhaustive comparison of the treaty's requirements to current U.S. law. It concluded that the United States does not need to pass any new laws or regulations in order to meet the terms of the treaty. The fact that we already meet or exceed the treaty's requirements is a testament to our nation's commitment to equality and opportunity for those living with disabilities. There are, nevertheless, very important reasons to ratify this treaty.

Disabled Veterans and Other Americans Traveling Abroad—There are more than 5.5 million veterans living with disabilities. They and thousands of other Americans living with disabilities travel, study, work, and serve overseas, often with their families. Ratifying the treaty will ensure they enjoy the same accessibility and opportunity abroad that they have here at home.

Accessibility in Other Countries—ratifying this treaty will give the United States a seat at the international table, so that the U.S. can provide its guidance and expertise to other countries working to adopt laws, upgrade infrastructure, and modernize facilities to meet the very high standards we have set.

Leveling the Playing field for American Businesses—American businesses have invested time and resources to comply with the ADA. Businesses in some countries are not required to comply with similar standards. Compliance with the treaty levels the playing field by requiring foreign businesses to meet accessibility standards similar to those in the U.S.

New Markets for American Businesses—we lead the world in developing accessible products and technology. As other countries comply with the treaty, American businesses will be able to export their expertise and products to the new markets serving the more than 1 billion people living with disabilities around the world.

While this treaty will ensure inclusion and access for those living with disabilities, it is also important that we note what the treaty will not do.

The treaty will not change any U.S. law or compromise U.S. sovereignty in any way.

The treaty will not lead to new law suits because its terms do not create any new rights and it cannot be enforced in any U.S. Court.

For families that choose to educate their children at home, the treaty will not change any current rights or obligations.

The treaty will not require the U.S. to appropriate any new funding or resources to comply with its terms—not a single dime.

Leading pro life groups, like the National Right to Life Committee, confirm that the treaty does not promote, expand access, or create a right to an abortion.

Thanks to decades of bipartisan cooperation, our country embodies the worldwide gold standard for those living with disabilities.

When the Senate ratifies the Convention on the Rights of Persons with Disabilities, we can be proud that our coworkers, friends, family members, and courageous veterans will soon enjoy the same access and opportunity when they travel abroad that they have come to expect here at home.

REMEMBERING SHELBY HARRIS

Mr. DURBIN. Mr. President, I rise today to celebrate the life of Mr. Shelby Harris, from Rock Island, IL. When he passed away on July 25, 2012, at the age of 111, he was the oldest man in the country and the third oldest man in the world.

Mr. Harris was born in Indiana on March 31, 1901. That same year President William McKinley was assassinated and Vice President Theodore Roosevelt took over the White House, there were only 45 stars on the American flag, and the life expectancy in this country was just 47 years of age.

Throughout his 111 years, Mr. Harris lived a varied and rich life. In Indiana, he worked at a coal mine. He moved to the Quad Cities in 1942 where he enlisted in the Army during World War II. He also worked for the former Union Malleable and the John Deere Foundry in East Moline. He outlived two wives and three daughters. His oldest grandchild is 57 years old, and he was a great-great-great-great grandfather. Mr. Harris was a lifelong Democrat and credited his longevity to his faith in God.

Age did not slow him down. Mr. Harris served as a deacon of Second Baptist Church until he was 102 years old and had a bucket list that included getting remarried and playing baseball. A month after his 111th birthday, Mr. Harris was able to cross baseball off his list after he threw out the first pitch at a Quad Cities River Bandits minor league baseball game.

Living beyond the age of 110 made Mr. Harris a supercentenarian. This designation is particularly rare for a man because women typically live the longest all over the world. The oldest person in the world today is a woman who has reached age 115.

Mr. Harris will be missed by the staff at the Rock Island Nursing and Rehabilitation Center where he lived since he was 105 years of age. For the past 5 years the nursing home has thrown a big party on his birthday, and the staff there plan to hold a remembrance for him next year on the date.

It is my honor to recognize the long and full life of Mr. Shelby Harris.

LIBOR

Mr. DURBIN. Mr. President, It was recently revealed that at least one bank—Barclays Bank of Great Britain—attempted to manipulate LIBOR over a 4-year period beginning in 2005.

LIBOR stands for the London Inter-Bank Offered Rate. This rate is a benchmark used by industries all over the world to set interest rates for nearly $800 trillion worth of financial instruments.

LIBOR determines how much people across the world pay for student loans, mortgages, and credit card fees. The higher LIBOR is, the more it costs a college student to borrow money for school or a business to obtain a line of credit.

This means that people across the world with student loans, mortgages and credit cards, and municipalities selling bonds may have paid more to borrow money because of Barclays' actions.

Barclays settled with U.S. and British authorities and paid over $450 million in penalties to the Commodity Futures Trading Commission, the U.S. Department of Justice, and British regulators.

Now, as many as 20 megabanks, including several U.S. banks, are under investigation or named in lawsuits alleging they also rigged LIBOR.

Over the next several weeks and months we will learn more details about exactly what happened.

But it seems clear we are facing a scenario that is all too familiar: the largest banks have once again put greed and profit above the best interests of their customers and the economies of at least six nations, including the United States.

At the same time—nearly 4 years after the worst financial crisis in our lifetime and 2 years since the Democratic-majority Congress passed Wall Street reform—my Republican colleagues continue to undermine the financial regulators by cutting their funding and spending countless hours in the House of Representatives debating and passing bills to roll back the Dodd-Frank Wall Street Reform Act.

This is not good for our financial system and it certainly isn't good for the American people.

But let me back up. What is LIBOR? It is a benchmark used by industries all over the world to set interest rates

LIBOR impacts—directly or indirectly—nearly every person in the world.

Here is how it works.

LIBOR is calculated for 10 currencies and 15 maturities. For example, one of the most important LIBOR rates is the 3-month dollar LIBOR.

A select panel of 18 major banks report how much they believe it would cost to borrow money in dollars for 3 months at 11 a.m. on a particular day.

The top four estimates and bottom four estimates are discarded, and the remaining rates are averaged to calculate LIBOR. LIBOR is published every day at 11 a.m., and companies across the world use this rate to set interest rates for consumers.

So why would the major banks want to manipulate LIBOR?

The simple answer is profit. And greed.

Many of the major banks that help set LIBOR stand to lose or gain millions of dollars each day based on the smallest change in LIBOR.

As the leading trader of derivatives in 2007, it has been estimated that Barclays stood to lose or gain $40 million per day.

The settlement between regulators and Barclays lays bare a scenario where traders not only regularly attempted to manipulate LIBOR, but they didn't even try to hide it.

Once the financial crisis hit in 2008, manipulating LIBOR was also about survival.

Banks were under intense scrutiny. If it cost a bank more to borrow money, it could be an indicator that other banks thought lending to the bank was risky.

In Barclays' settlement with regulators the bank admitted that it underreported the cost of borrowing during the financial crisis to mislead regulators and the public about the true financial health of the firm.

Unfortunately, it seems as if the Barclays settlement is just the tip of the iceberg.

Lawsuits worth billions of dollars have been filed against banks alleging wrongdoing. Regulators in the U.S., Canada, Japan, EU, Switzerland, and Britain are reportedly investigating.

U.S. regulators should be fully engaged in investigating the LIBOR process and any wrongdoing by U.S. banks.

However, U.S. financial regulators can't conduct the necessary investigations into claims of wrongdoing or enforce new laws meant to rein in Wall Street if they don't have the people, software, and resources necessary to do the work.

Congress passed Wall Street reform because the largest financial institutions in this country took advantage of loopholes and the unregulated swap markets.

They drove our country into the worst economic recession in our lifetime.

In the aftermath, we said we are not going down that road again. No more too big to fail, no more bailouts. We are going to have transparency and accountability when it comes to swaps.

We gave the job to the Commodity Futures Trading Commission and the Securities and Exchange Commission.

With the recent approval of final rules defining swaps, the CFTC and the SEC have now triggered the implementation of an array of other rules to finally bring the swaps market out of the shadows and into the light.

This is a huge step forward.

But now, just when the financial regulators have the rules in place to oversee the $300 trillion market that nearly destroyed our economy, the Republicans are trying to cut the agencies off at the knees.

Their philosophy is if you can't repeal reforms by passing legislation, you can undermine the agency's ability to enforce the law.

Let me put this in perspective. The $37 trillion futures market has historically been policed by the CFTC. That is an enormous market to oversee, by anyone's calculation.

But it pales in comparison to the complex and previously unregulated $300 trillion swaps market now under CFTC's purview because of Dodd-Frank. That is eight times the size of the futures markets.

Common sense tells you that it is impossible for an agency to increase its responsibility eight-fold while its resources are cut by 41 percent.

Yet, that hasn't stopped the Republicans in the House. They recently reported out of Committee a bill that cuts funding requested in the President's fiscal 2013 budget by $195 million for the SEC and $128 million for the CFTC.

That's a 41 percent cut for the CFTC and a 12 percent cut for the SEC—from the President's request.

Keep in mind that while Congress sets the level of funding for the SEC, it is largely funded through fees on trading volumes. So the cuts to the SEC aren't about concern for saving taxpayer dollars—it is simply a way to remove the regulators' ability to properly function.

When financial tragedies befall people—think of missing customer funds at MF Global or Peregrine—we want investigators to find out what happened and seek recovery of money to the families and farmers who trusted those companies. Those are the jobs the Republicans want to cut.

This tells firms such as Peregrine that while we have laws on the books they must follow, we aren't going to give the regulators the resources to enforce them.

The funding levels for the CFTC and SEC reported out of the House promises we will face another situation like MF Global or Peregrine in the future because we won't have enough cops on the beat.

A mere 4 years after the worst financial crisis in our lifetime and just several weeks after the latest scandal where farmers lost their hard earned money, this is simply irresponsible.

We are still struggling to dig our way out of a recession that resulted in millions of jobs lost and $17 trillion of lost retirement, personal and household wealth.

Yet, instead of working together to ensure that never happens again, Republicans are doing everything they can to stop the regulators from implementing laws that would have prevented that crisis and could prevent the next crisis.

DODD-FRANK ANNIVERSARY

Mr. DURBIN. Mr. President, on July 21, we marked the 2-year anniversary of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

This landmark law has taken important steps to rein in the Wall Street abuses that nearly drove our economy off the cliff in 2008.

Two of its reforms were particularly important to me. One was the creation of the Consumer Financial Protection Bureau- the only agency in the Federal Government solely dedicated to looking out for consumers' financial interests.

This agency has already been a game-changer when it comes to curbing the tricks in consumer financial products. It is bringing transparency and fairness to mortgages, private student loans, and credit cards.

Last week, the CFPB announced its first ever enforcement action. It directed Capital One to pay about $150 million to more than 2 million consumers who had purchased deceptively marketed add-on products to their credit cards.

This is a big step forward. It shows there is a real cop on the beat when it comes to consumer protection.

I am proud of what this agency has accomplished so far, and I look forward to seeing it continue its important work for years to come.

Another important provision in the Wall Street Reform bill was the provision I drafted to reform debit card swipe fees.

The swipe fee is a fee that a bank receives from a merchant when the merchant accepts a credit or debit card that the bank issued. This fee is taken as a cut of the transaction amount.

Now, the vast majority of bank fees are set in a transparent and competitive market environment, with each bank setting their own fee rate and competing over them. That is not the case with swipe fees.

With swipe fees, the big banks decided they would designate the two giant card companies, Visa and MasterCard, to set fees for all of them. That way each bank could get the same high fee on a card transaction without having to worry about competition.

And swipe fees are anything but transparent. Most consumers and even most merchants have no idea what kind of swipe fee is being charged when they use a debit or credit card.

The swipe fee system became an enormous money-maker for Visa, MasterCard, and the banks. They were

collecting an estimated $16 billion in debit swipe fees and $30 billion in credit fees each year.

Those billions are paid by every merchant, charity, university, and government agency that accepts payment by card, and the costs are passed on to American consumers in the form of higher prices.

By 2010, the U.S. swipe fee system was growing out of control with no end in sight. U.S. swipe fee rates had become the highest in the world- far exceeding the actual costs of conducting a debit or credit transaction.

And there were no market forces serving to keep fees at a reasonable level. Merchants and their customers were being forced to subsidize billions in windfall fees to the big banks.

I stepped in and introduced an amendment to the Wall Street reform bill that for the first time placed reasonable regulation over debit swipe fees.

My amendment said that if the Nation's biggest banks are going to let Visa and MasterCard fix swipe fee rates for them, then the rates must be reasonable and proportional to the cost of processing a transaction. No more unreasonably high debit swipe fees for big banks.

The regulatory steps that my amendment proposed were modest. Most other countries have gone much further in regulating swipe fees.

But the banks and the card companies screamed bloody murder.

My amendment passed the Senate with 64 votes, and it was signed into law with the rest of Wall Street reform. And the swipe fee reforms took effect last October.

As it turns out, debit swipe fee reform is working pretty well.

So far, reform has led to an estimated $7 to $8 billion in annual debit swipe fee savings for merchants.

That savings is a real shot in the arm for American businesses that have been crushed by ever-rising swipe fees.

Consumers are also benefiting as savings are passed along from merchants through competition.

After reform took effect in October, we saw a massive level of retailer discounting that extended beyond the usual holiday season discounts.

And according to a USA TODAY article from May 11, a number of individual merchants are offering debit card discounts for items such as gas, furniture, and clothing. This trend is expected to continue and to grow.

Furthermore, the banking industry had claimed that small banks and credit unions would be hurt by debit swipe reform- even though all institutions under $10 billion in assets were exempted from fee regulation.

As it turns out, small banks and credit unions have thrived since reform took effect.

Why? Because under my amendment, small banks and credit unions can continue to receive the same high interchange rates from Visa and MasterCard far higher than the rates that their big bank competitors receive.

In May, the Federal Reserve confirmed that exempted banks and credit unions were receiving the same average interchange rates they had gotten before reform.

The American Banker newspaper has noted that the ''Small Banks' Durbin Shield Worked'' and prominent card industry analyst Andrew Kahr noted that the ''Durbin Doomsday Never Came.''

Credit unions in particular are doing well after swipe reform. Last year 1.3 million Americans opened new credit union accounts, up from about 600,000 the year before. And credit unions now have a record number of members- almost 92 million overall.

Now, it is important to note that there should be even more savings from swipe fee reform to merchants and consumers.

When the Federal Reserve was writing its final rule, the banks lobbied them to weaken the final rule and raise the debit swipe cap from 12 to 24 cents. Then Visa and MasterCard promptly jacked up any swipe fee rates that were below 24 cents so that this 24 cent ceiling became a floor.

Basically, the banks and card companies lobbied the Fed for a loophole, and when they got one, they ran through it.

This needs to be fixed going forward, and I am confident it will be fixed.

The bottom line, though, is that the swipe fee reform that Congress enacted in 2010 has gotten off to a good start. It is working, and it is laying a solid foundation for further reforms to improve the credit and debit systems.

I am afraid, however, that while swipe fee reform has made important strides in Congress, the big banks and card companies are trying to undercut that reform in the courts.

Recently a proposed settlement was announced in a long-running class action lawsuit. This lawsuit had been filed back in 2005 by a number of merchants against Visa, MasterCard, and the big banks that issue most of their credit cards.

The lawsuit was over credit card interchange fees and the associated rules that Visa and MasterCard impose on merchants. The suit alleged that these fees and rules violate the antitrust laws in the way that they are set.

This lawsuit had the potential to bring about important changes to the credit card system that would have promoted transparency, enhanced competition, and helped consumers.

But the proposed settlement does not do that. In fact, I believe this proposed settlement represents a capitulation to the Wall Street banks and credit card giants. It is a sweetheart deal for them and a bad deal for merchants and for consumers.

The settlement was negotiated in secret between Visa, MasterCard, the big banks, and the attorneys representing a small number of merchants. The vast majority of merchants had no idea what was in the proposed settlement until it was unveiled.

The terms of the settlement include a $6 billion dollar payout from Visa, MasterCard and the banks to the plaintiff merchants. That is a large number it is nearly twice as much as the previous record payout in an antitrust case. And it is a clear sign that the card companies knew that their fees were unreasonably high.

But, $6 billion is only 2 months worth of credit card interchange fees. And the settlement does not prevent Visa and MasterCard from simply jacking up their fees even higher than before.

The settlement does nothing to change the anticompetitive fee-fixing that Visa and MasterCard do on behalf of their member banks. In fact, it gives Visa and MasterCard broad and permanent legal immunity to continue doing exactly that in the future.

Also, the settlement not only binds the merchants who are parties to it, but it also binds every single American merchant, charity, university, and State or local agency that accepts a Visa or a MasterCard today or in the future.

It bars all of them from ever bringing a legal claim in the future against Visa, MasterCard, or the big banks relating to any swipe fee, other merchant fee, or network rule, no matter how unfair or unreasonable the fees or rules may be.

And this settlement gives Visa and MasterCard legal immunity not just for credit cards, but also for debit cards, and prepaid cards and mobile payment systems.

The extent of the free pass Visa and MasterCard would get under this proposed settlement is breathtaking. No wonder the banks and cards were so quick to come out in favor of this settlement. And no wonder Visa's stock hit an alltime high the next business day.

Now, the proposed settlement would make some temporary changes to Visa's and MasterCard's rules. But in my view, these proposed changes will be ineffective in reining in Visa and MasterCard's unreasonable fees.

The bottom line is that this proposed settlement does not make our credit card system better.

Instead, it gives Visa and MasterCard free reign to carry on their anticompetitive swipe fee system with no real constraints and no legal accountability to the millions of American businesses that are forced to pay their fees.

This is a stunning giveaway to Visa and MasterCard, all for a payout of a mere 2 months worth of swipe fees.

This is a bad deal, but it is not a done deal. The merchant plaintiffs still have to decide if they will support it, and the court must approve it. Several plaintiffs—the National Association of Convenience Stores, the National Grocers Association and the National Community Pharmacists Association—have already rejected the deal.

Now, I am not a party to this lawsuit, but I care deeply about making

the credit and debit card systems in this country more transparent, more competitive, and more fair.

I have worked hard over the years to make sure that merchants and consumers do not get nickled and dimed to death with hidden and unreasonable fees from Visa and MasterCard, and we have made great strides.

That is why I am speaking out about my concerns with this proposed settlement. I know that Visa, MasterCard, and the banks are thrilled with this settlement, but this is not a settlement I would agree to.

I hope that the remaining merchant plaintiffs will review the proposed settlement carefully and think hard about whether it will be good for the future of our credit and debit card systems. They should not be anxious to sign away that future and settle for a bad deal.

TRIBUTE TO JOE MATAL

Mr. KYL. Mr. President, I want to take a moment to recognize the service of one of my longtime legal counsels on the Judiciary Committee, Joe Matal. Joe will be leaving the Senate in a few weeks after 12 years of Senate service, and I wanted to say a few words of thanks.

Joe is well-known on Capitol Hill as a sharp, tenacious, and principled lawyer who fights hard for principle and the public good. It is frankly remarkable to reflect on the breadth of issues where Joe has played a major role in his years of service, but I will list a few.

Joe was intimately involved in our efforts to grapple with post-9/11 realities, in particular through the Military Commissions Act and the Detainee Treatment Act and the reauthorizations of the USA Patriot Act.

Joe has been instrumental in efforts to ensure appropriate DNA testing of criminals and to ensure that the rape-kit backlogs are cleared. He worked on the Adam Walsh Act and the Internet SAFETY Act. He is a go-to lawyer on criminal sentencing issues. Very recently, he has been an essential adviser on negotiations relating to the cybersecurity legislation.

I could go on and on. Joe has worked on the animal crush video law I sponsored, on False Claims Act amendments, on open government laws, and on legal reform bills such as asbestos litigation reform, the Class Action Fairness Act, and Bankruptcy Reform. He is also an expert on Indian Law and has been an indispensable counsel on my work that relates to Indian Country in Arizona, but also on Indian policy nationwide.

Finally, and most obviously, in recent years Joe has justly earned the respect of the legal and policy community nationwide as a major force in the development of the patent reform bill that Congress passed a year ago. In fact, when Joe leaves my office, he will remain in government service and begin work as an assistant solicitor in the U.S. Patent and Trademark Office. Joe's service there will be essential given that the agency is continuing to implement the patent reform bill that Joe did so much to create.

I would be remiss if I did not also note that some of Joe's important service has been in the bills he helped ensure did not become law. Our job as legislators is not to jump at every shadow, but to exercise caution when others seek to rush ill-considered legislation through the body. Joe's counsel and his strategic guidance have been essential in protecting the Nation from many, many bills that would have been contrary to good public policy.

So I want to thank Joe and wish him the best as he leaves for the PTO. I also want to thank his wife, Maren, and his three children, John, Liddy, and Margaret, for supporting him in these years of public service. I appreciate Joe's hard work and patriotic service and wish him the best in his new position.

CULTURE DOES MATTER

Mr. KYL. Mr. President, Governor Romney suggested on a recent trip to Israel that the culture of a society plays a role in its prosperity. Some took offense to these remarks, and others disagreed with his premise. During the last few days, a debate has ensued about how culture promotes prosperity.

I believe Governor Romney made an important point. In a National Review piece entitled, ''Culture Does Matter,'' he asks, ''What exactly accounts for prosperity if not culture?''

After all, U.S. culture emphasizes freedom, equality, hard work, meritocratic excellence, upward mobility, the rule of law, and a devotion to family, education, and a purpose higher than oneself. These cultural values, and others, have made America the world's leading superpower—a beacon of prosperity, freedom, and strength. Millions of people have left their homes over the centuries to come to America and be part of our way of life.

As Governor Romney writes, Israel is also a telling example of the role of culture and prosperity. Like the United States, Israel's culture is based on freedom and the rule of law. He writes that Israel's embrace of political and economic freedom:

> . . . has created conditions that have enabled innovators and entrepreneurs to make the desert bloom. . . . In the face of improbable odds, Israel today is a world leader in fields ranging from medicine to information technology.

Of course other factors, such as economic policies, contribute to a country's prosperity. But the evidence shows that the role of culture shouldn't be marginalized or dismissed.

I ask unanimous consent that Governor Romney's entire article, ''Culture Does Matter,'' be printed in the RECORD. I urge my colleagues to read it.

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

[From the National Review Online, July 31, 2012]

CULTURE DOES MATTER

(By Mitt Romney)

During my recent trip to Israel, I had suggested that the choices a society makes about its culture play a role in creating prosperity, and that the significant disparity between Israeli and Palestinian living standards was powerfully influenced by it. In some quarters, that comment became the subject of controversy.

But what exactly accounts for prosperity if not culture? In the case of the United States, it is a particular kind of culture that has made us the greatest economic power in the history of the earth. Many significant features come to mind: our work ethic, our appreciation for education, our willingness to take risks, our commitment to honor and oath, our family orientation, our devotion to a purpose greater than ourselves, our patriotism. But one feature of our culture that propels the American economy stands out above all others: freedom. The American economy is fueled by freedom. Free people and their free enterprises are what drive our economic vitality.

The Founding Fathers wrote that we are endowed by our Creator with the freedom to pursue happiness. In the America they designed, we would have economic freedom, just as we would have political and religious freedom. Here, we would not be limited by the circumstance of birth nor directed by the supposedly informed hand of government. We would be free to pursue happiness as we wish. Economic freedom is the only force that has consistently succeeded in lifting people out of poverty. It is the only principle that has ever created sustained prosperity. It is why our economy rose to rival those of the world's leading powers—and has long since surpassed them all.

The linkage between freedom and economic development has a universal applicability. One only has to look at the contrast between East and West Germany, and between North and South Korea for the starkest demonstrations of the meaning of freedom and the absence of freedom.

Israel is also a telling example. Like the United States, the state of Israel has a culture that is based upon individual freedom and the rule of law. It is a democracy that has embraced liberty, both political and economic. This embrace has created conditions that have enabled innovators and entrepreneurs to make the desert bloom. In the face of improbable odds, Israel today is a world leader in fields ranging from medicine to information technology.

As the case of Israel makes plain, building a free society is not a simple task. Rather, it is struggle demanding constant courage and sacrifice. Even here in the United States, which from our inception as a nation has been blessed with freedom, we faced monumental challenges in harmonizing our ideals with our institutions. We fought a bloody civil war against slavery and it took a nonviolent civil-rights movement to bring political and social equality to all Americans. In these epic struggles we changed our ''culture'' and vastly improved it.

I have just returned from a trip abroad. I visited three lands—Israel, Poland, and Great Britain—which are defined by their respective struggles for freedom. I met with some of the greatest heroes of those struggles. I am always glad to return to American soil. On this occasion, I am only strengthened in my conviction that the pursuit of

happiness is not an American right alone. Israelis, Palestinians, Poles, Russians, Iranians, Americans, all human beings deserve to enjoy the blessings of a culture of freedom and opportunity.

AUTOPILOT

Mr. LEAHY. Mr. President, I am disappointed that Congress has agreed to put government funding decisions on autopilot for the first 6 months of fiscal year 2013 through another continuing resolution. This means, in effect, that a half year's worth of hearings, briefings, and drafting of a dozen appropriations bills will have been for naught.

I recognize there are many factors at play this year as the clock ticks toward the end of a fiscal year and toward November. But continuing resolutions are no way to run a government, and the consequences for the American people's priorities, and for the agencies and the dedicated workers who implement our policies, will be dramatic.

The world does not stand still, and time does not stand still. Circumstances that should be reflected in our budget decisions are changing all the time. Budgets are about choices. Budgets are about setting priorities. Doing this carefully and thoughtfully through hearings, through fact-finding and through negotiations among the people's representatives in Congress is not an easy process, but it was not meant to be easy. Setting the process on autopilot is anathema to making the right decisions for our country.

As the veteran reporter David Rogers put it today in Politico:

> Continuing resolutions do only one thing well: 'continue.' They don't allow for new starts and typically set funding at the current rate enjoyed by an agency—with no room for new ideas.

In fact, it is worse than that. As chairman of the State and Foreign Operations Subcommittee I am particularly mindful of changes that have occurred around the world in the past year. The situation in the Middle East and North Africa is one of many examples. Our posture in Iraq and Afghanistan is changing significantly. Humanitarian crises in Syria and South Sudan are far greater than anyone envisioned 1 year ago. At a time when the Chinese are ratcheting up their strategic investments across the globe to advance their national interests, the United States is stuck in neutral.

I sympathize with the chairman and vice chairman of the Appropriations Committee and all the committee staff, who have worked hard to draft and report bipartisan bills. The State and Foreign Operations bill was reported on May 24 by a nearly unanimous, bipartisan vote. It has the strong support of Ranking Member GRAHAM, who worked closely with me in drafting it, as well as minority leader Senator MCCONNELL. With a day or so of floor time we could pass it and go to conference. That is the way it should be. Yet continuing resolutions are becoming increasingly common because they are a convenient and temptingly easy way to avoid hard decisions. Unfortunately, the American people lose, the country loses, and a great deal of time, effort and money are wasted.

FREEDOM OF EXPRESSION IN ECUADOR

Mr. LEAHY. Mr. President, several weeks ago I spoke in this Chamber about the assault on freedom of expression in Ecuador, where President Correa has sought to silence his critics including the Special Rapporteur for Freedom of Expression at the Organization of American States.

Last week, these attacks on legitimate expression reached a new height when, according to press reports, Ecuador's Secretariat of Pueblos, Mireya Cardenas, said the government is investigating Fundamedios to determine if the support it receives from the U.S. Agency for International Development—USAID—is being used to interfere in ''internal political affairs''. She specifically criticized Fundamedios for lodging complaints at the Inter-American Human Rights Commission. She also attacked USAID for supporting sustainable forestry, civil society organizations, and the development of local productive enterprises, which are designed to protect the environment and improve the livelihoods of the Ecuadoran people.

Mr. President, Fundamedios is a respected Ecuadoran nonpartisan organization that seeks to defend freedom of the press at a time when journalists and media organizations in that country are being vilified and threatened by officials of the very government that should be protecting them. It is similar to the conduct we have seen in Russia, Egypt, Azerbaijan, Venezuela, and other countries whose governments mistakenly equate legitimate advocacy by civil society organizations with unlawful political activity, as if Ecuador's political affairs are the sole province of those who the government approves of.

It is also important to reaffirm the indispensable role of the Inter-American human rights system, which has recently been targeted not only by President Correa, but also by the leaders of other Latin countries with weak and corrupt judicial systems who, in the name of ''reform'', seek to limit access to alternative fora for its citizens to obtain justice for abuses by government security forces. It is interesting that these same governments welcome the support of the OAS when it suits them, but campaign to weaken its mandate when it does not.

To make a bad situation worse, President Correa again recently attacked one of Ecuador's most respected newspapers. A few weeks ago, he said on TV that an editor with El Universo was ''sinister.'' And on July 28, he suggested that the editor of El Comercio was ''mentally ill'' and ''unethical'', for what appear to be nothing more than public comments made on the paper's website by readers who questioned presidential decisions.

On July 31, members of the police and the labor ministry, reportedly without a warrant, seized several items and information from the offices of the magazine Vanguardia for allegedly violating labor laws. The magazine's director, Juan Carlos Calderón, said the incident is an attempt to silence the independent press in Ecuador.

For those of us who want closer relations between the United States and other countries in the hemisphere, including Ecuador, and who believe it is everyone's responsibility to stand up for universal human rights of which freedom of expression is the most cherished, it is disappointing to see the path the Correa government is taking.

This is not about competing political philosophies, party affiliation, or national sovereignty. It is about protecting the right of Ecuadoran journalists and Fundamedios to be free of government interference, and of defending the constitutional rights of all of Ecuador's citizens. The country's first constitution, written in 1830, stipulated that ''every citizen can express their thoughts and publish them freely through the press.'' Its current constitution, just 4 years old, protects each citizen's right ''to voice one's opinion and express one's thinking freely and in all of its forms and manifestations.''

The people of Ecuador have a right to receive uncensored information. Sometimes that information is accurate, sometimes it is not. Everyone in public office knows that. Personal attacks and inflammatory charges by top officials weaken democratic discourse and have no place in a country with a long commitment to civil liberties.

HONORING OUR ARMED FORCES

CAPTAIN SCOTT PATRICK PACE

Mr. HATCH. Mr. President, today I rise to pay tribute to CPT Scott Patrick Pace, United States Army. Captain Pace returned with honor to his heavenly home on June 6, 2012. By all accounts, he lived a life of service, hard work, and faith.

While learning about Captain Pace's life, I was struck by the description of those closest to him. They repeatedly described the Captain as someone who ''strived to do well.'' As a youth, he faced obstacles which would keep many from pursuing athletics. However, as a testament to his character, Captain Pace pushed himself and overcame this hurdle by becoming an accomplished athlete in basketball and swimming. His coaches described him as someone who ''took responsibility for himself and the team but never blamed his teammates. He's the type of player every coach wants . . . in fact ever coach wants five of him . . . Scott was a coach's dream and a leader. He'll be missed dearly in this community.''

In addition, to his accomplishments in athletics, Captain Pace excelled in academics. He was at the top of his class in High School. He initially attended Brigham Young University, before being called to a mission for the Church of Jesus Christ of Latter-day Saints in Cordoba, Argentina. After his mission, he was accepted to the United States Military Academy at West Point.

At West Point, Captain Pace continued to set the example by not only graduating with a major in nuclear engineering, but continuing his love of athletics by playing varsity basketball, sprint football, and was a member of West Point's intercollegiate handball team. In fact, Captain Pace was named the most valuable player when West Point's Handball Team won the Division II National Championship.

Upon graduating West Point, at the same time as his brother, Rick, Captain Pace chose aviation and became a OH–58 Kiowa Warrior helicopter pilot and a platoon leader. He then served two back-to-back deployments, for a total of 20 months, in Iraq.

When he returned in 2009, Captain Pace was assigned to Fort Huachuca, AZ. There he completed the Captain's Career Course and intelligence training. After completing his studies, he was assigned to Fort Bragg, where he became the commander of Fox Troop, 1st Squadron, 17th Cavalry Regiment, 82nd Airborne Division. It was in this leadership role, when his helicopter was shot down while engaging the enemy in Ghazni Province, Afghanistan.

I was also quite taken by the comments of Captain Pace's teammates, fellow servicemembers, and friends who stated he always motivated them, not only to do their best, but to be their best, even when no one else was watching.

Captain Scott Patrick Pace was an outstanding young man. He was among the best our Nation has to offer. I know I am joined by the entire Senate in extending our heartfelt condolences to Captain Pace's family. Elaine and I will always keep them in our prayers.

WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 2012

Mr. MCCAIN. Mr. President, as Members depart Capitol Hill for August recess, wildfires will be raging across much of the Nation perhaps in their home States. Over 1.3 million acres have burned this summer, and historic drought conditions will continue to fan the flames. Last year, my home State of Arizona experienced the largest wildfire in State history, the Wallow Fire, which consumed over 500,000 acres. This year has been particularly distressing for States like Colorado, where the Waldo Canyon Fire near Colorado Springs forced the evacuation of thousands of residents, destroyed more than 350 homes, threatened the U.S. Air Force Academy, and became the most expensive fire in that State's history. Currently, there are 29 large uncontained wildfire burning across the Nation, according to the National Interagency Fire Center.

Wildfires like these underscore the urgent need to start modernizing our antiquated Forest Service airtanker fleet. Airtankers are a vital tool capable of rapidly altering the paths of major fires and providing immediate protection to ground personnel. Many of the core aircraft operated by the Forest Service are Korean-era DC–3s and P–2Vs that are rapidly failing. Just last month, a P–2V built in 1962 crashed in Utah, tragically killing the pilot and co-pilot. These are but a few examples in long list of terrible accidents where worn out aircraft are being operated far beyond their intended service lives, the perfect recipe for future accidents.

That is why Senator BILL NELSON, Senator DIANNE FEINSTEIN, Senator MIKE JOHANNS, and I have introduced S. 3441, the Wildfire Suppression Aircraft Transfer Act of 2012. Our bill would transfer fourteen excess C–27J aircraft from the U.S. Air Force to the Forest Service to help recapitalize their airtanker fleet. These are nearly-new aircraft that will greatly enhance the mission flexibility and lifespan of the Forest Service fleet. This legislation is supported by the Forest Service as well as certain stakeholder groups like the International Association of Fire Chiefs.

My colleagues and I attempted to pass this legislation before the Senate adjourned for August recess. Regretfully, there are several members with an interest in keeping these aircraft operating who objected to our bill, even though the Pentagon wants to retire them. This is disappointing because our legislation would not interfere with the Congressional prerogative to approve or reject the Department of Defense force structure plan for Fiscal Year 2013. Clearly, there are differing opinions over divesting the C–27J, and I respect the right of Senators who want to address that issue in the context of the National Defense Authorization Act. Our legislation is intended as a post-divestment authority to ensure that that the C–27J is put to good use fighting wildfires instead of being mothballed. Over the August recess, I hope to work with the Members who have objected to S. 3441 because I believe these platforms can be utilized to save lives and property.

THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Mr. KERRY. Mr. President, I want to say a few words about the Convention on the Rights of Persons with Disabilities.

I am pleased to report that the Foreign Relations Committee approved this Treaty on July 26, the 22nd anniversary of the Americans with Disabilities Act. I am also pleased that, like the ADA, the Disabilities Convention has strong bipartisan backing.

This treaty is personal to so many of us. I am deeply grateful to our committee members for their thoughtful input on the treaty and the resolution of advice consent, and to Senator MCCAIN and former Majority Leader Dole, who are as deeply committed to this cause as Senator Kennedy was to the original Americans with Disabilities Act.

Passing this treaty isn't just the right thing to do. It is also the smart thing to do. It will extend essential protections to millions of disabled Americans, including our disabled service men and women and veterans, when they travel, study, work, and live abroad. In addition to enshrining the principles of the ADA on the international level, the convention will provide us with a critical tool as we advocate for the adoption of its standards globally standards to which all of us should aspire. By joining, we put ourselves in a stronger position to advance the goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for individuals with disabilities.

The Disabilities Convention is a reflection of our values as a nation. It is who we are from the Civil Rights Act to the Voting Rights Act to the ADA. We saw how America responded to horrifying civil rights images—our country met collectively to right a wrong at home and break the back of Jim Crow. Now is the time to step up and meet collectively to help make it right for the millions of Americans with disabilities when they are overseas and for the hundreds of millions of disabled individuals throughout the world.

This is one of those moments the Senate was intended to live up to—and it calls on all of us to provide leadership and find the common ground. The winners of this treaty will not be defined by party or ideology. The winners will be the American people.

I look forward to working with my colleagues on both sides of the aisle to ensure that the Senate approves the Disabilities Convention during the 112th Congress.

NOMINATIONS

Mr. GRASSLEY. Mr. President, a few weeks ago the president of the ABA a—purportedly nonpartisan organization—wrote a letter to the majority and Republican leaders regarding nominations and the Leahy-Thurmond rule. I noticed that my good friend the chairman of the Judiciary Committee entered a copy of that letter in the RECORD.

That letter failed to mention quite a few pertinent facts. The Republican leader and I sent the ABA a letter which highlighted some of those facts. I ask unanimous consent that this letter be printed in the RECORD.

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

OFFICE OF THE REPUBLICAN LEADER,
U.S. SENATE,
Washington, DC, June 25, 2012.

Mr. WILLIAM T. (BILL) ROBINSON III,
President, American Bar Association, 321 North Clark Street, Chicago, IL.

DEAR MR. ROBINSON: We were surprised to receive your letter of June 20, 2012 urging, for the first time, confirmation of particular circuit court nominees despite the existence of the Leahy-Thurmond Rule. By any objective measure—overall circuit court vacancy rate, vacancies on the respective circuit courts, or judicial emergency designation—our appellate courts are doing, at least as well, and in most respects much better, now than when our democratic colleagues invoked the Rule both times during the last administration. Given this exceptionally fair treatment of President Obama's judicial nominees, it is curious that your organization would choose now to urge the Senate not to follow its practice of suspending the processing of circuit court nominations in the months preceding a presidential election. This unprecedented action raises questions about the American Bar Association's objectivity and neutrality.

While the circuit court vacancy rate in June 2008 was the same as it is now, there were twice as many judicial emergencies in the circuit courts at that time. The Fourth Circuit Court of Appeals, in fact, was in crisis. Fully one-fourth of its seats were empty, even though the prior administration had nominated outstanding individuals to till them. Despite the crisis facing the Fourth Circuit in June of 2008, our democratic colleagues refused to process any of President George W. Bush's four, well qualified nominees.

For instance, the Senate twice had unanimously confirmed Judge Robert Conrad to the important positions of United States Attorney and federal district court judge. By this time in June of 2008. his nomination to the Fourth Circuit had been pending for 344 days. Our democratic colleagues refused to process his nomination, notwithstanding support from home state senators, a unanimous well qualified rating from your organization, and—in contradistinction to any of the three nominees mentioned in your letter—the Administrative Office of the U.S. Courts had declared the vacancy to which he was nominated to be a judicial emergency.

Senate democrats refused to process three other qualified nominees to the Fourth Circuit. Steve Matthews had support from home state senators, and by this time in 2008, had been pending for 293 days. Judge Glen Conrad had been confirmed to the district court in 2003 by the unanimous vote of 89–0. Both home state senators, one republican and one democrat, strongly supported his nomination. Rod Rosenstein, the then and current U.S. Attorney for Maryland, also would have filled a judicial emergency on the Fourth Circuit. Nonetheless, democrat home state Senators blocked his nomination—incredibly—for the reason that he was doing a "good job" as U.S. Attorney and "that's where [they] need him."

Our democratic colleagues' record with respect to these nominees was so abysmal that even the Washington Post editorial board called them to task, writing. "[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers." The ABA, by contrast, said nothing when Senate democrats invoked the Leahy-Thurmond Rule and stopped processing circuit court nominations in June of 2008. These outstanding nominees, along with others like Peter Keisler—who by this date in June of 2008 had been bottled up in committee for an astonishing 727 days—did not merit any special consideration by the ABA in the months preceding the last presidential election.

The situation on our circuit courts was equally dismal in June of 2004 when President Bush was concluding his first term in office. The overall vacancy rate on our circuit courts was much higher than it is now. And the Sixth Circuit, like the Fourth Circuit in 2008, was in crisis, with fully one-fourth of its seats empty, even though the prior administration had nominated qualified individuals to fill those vacancies as well. And as in 2008. the ABA said nothing when our democratic colleagues cited the Leahy-Thurmond Rule—this time to justify filibustering several circuit court nominees in the months preceding the 2004 presidential election.

The ABA presents itself to the public as a non-partisan. professional organization. However, it has chosen to advocate for this Administration's circuit court nominees in the few remaining months before this presidential election, when it chose not to do so before either of the last two presidential elections despite much more compelling circumstances. This sort of selective advocacy is precisely why so many people question the ABA's professed neutrality.

We will continue to work with the senate majority to process judicial nominations, consistent with the practices of the Senate—practices strongly defended by our Democratic colleagues during the previous administration and about which the ABA said nothing. Indeed, the Senate will vote on another judicial nomination tomorrow. If confirmed, that will be the 151st lower court confirmation already for this Administration, in addition to two Supreme Court nominations—a confirmation total far greater than what was achieved under comparable circumstances during the last administration. We hope that in the future the ABA will take a balanced approach to assessing the judicial confirmation process in the Senate.

Sincerely,

MITCH MCCONNELL,
Republican Leader, U.S. Senate.

CHUCK GRASSLEY,
Ranking Member, Judiciary Committee U.S. Senate.

RECOGNIZING THE SISTERS OF ST. JOSEPH OF BRENTWOOD, NY

Mr. SCHUMER. Mr. President, We rise today to honor three great American heroes and their devoted organization. In Long Island, NY there are three American nuns that have been working to ease the burden of the poor and the sick and educate our youth for the past 80 years.

Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young are all nuns with the Sisters of St. Joseph of Brentwood, NY and have given this order and their community over 80 years of service.

Mrs. GILLIBRAND. The Sisters of St. Joseph first came to the United States to Carondelet, MO in 1836, and established a school dedicated to the education of deaf children. Mother Austin Kean, accompanied by Sister Baptista Hanson and Sister Theodosia Hegeman, came to Brooklyn in 1856 to found what is now, the Sisters of St. Joseph of Brentwood, NY. The goal of the Sisters of St. Joseph continues to be to foster love, unity and reconciliation among all people and with this earth. For over 150 years, the Sisters of St. Joseph of Brentwood, NY have been faithful in their vision to serve the world and its people. Since the creation of the Sisters of St. Joseph of Brentwood order in 1856, there has been over 2,500 Sisters to serve, and currently there are 588 serving or in retirement throughout the United States.

There is not enough time in this Congress to fully describe the work and accomplishments of the Sisters of St. Joseph. But I would like to highlight some of the work of these three remarkable nuns.

Sister Alice Francis Young joined the Convent of the Sisters of St. Joseph in 1932, and since then has proven to be a pioneer and integral force in early childhood education. Sister Young's career milestones include helping to start the first Head Start program in New York, working as a master teacher at St. Joseph's College in Brooklyn for 20 years, and being a professor of child study at St. Joseph's for over 40 years. She has helped educate thousands of children and given them the ability to reach their potential.

Sister Francis Gerard Kress has been a Sister of St. Josephs for 80 years, working on community activism and being a champion for health care and environmental protection. In September 1982, Sister Kress testified before the U.S. House of Representatives Subcommittee on Water Resources and in doing so shed light on her work around the environmental dangers that existed near Newton Creek in Williamsburg, Brooklyn, NY. Her work has since helped to protect a community from these dangers and enlighten the Nation to the importance of the Clean Water Act.

Sister Edward Joseph Murphy is 99 years old and joined the Order of the Sisters of St. Joseph in 1932. She spent her life educating at the primary and secondary levels, helping children throughout this Nation improve their lives through education and community service, as well as help new arrivals to this Nation with English by way of her Orders' English as a Second Language programs. Sister Murphy also spent over 20 years caring for the community and residents of Merrick, Long Island, NY by visiting homes, nursing homes and hospitals, bringing food and toys, and assisting in times of crisis.

For the past 80 years, Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young have dedicated their lives for the betterment of others in New York, the United States and around the world. We are humbled to have the opportunity to recognize the life and service of these amazing women and everlasting mark they left on so many.

Mr. SCHUMER. Mr. President, we would like the United States Senate to

recognize and honor the work of the Sisters of St. Joseph of Brentwood, NY; and the lifelong dedication of Sisters Francis Gerard Kress, Edward Joseph Murphy and Alice Francis Young for their 80 years of service to their religion, professions and country.

REMEMBERING GORE VIDAL

Mrs. BOXER. Mr. President, today I rise to pay tribute to the great talents and accomplishments of Gore Vidal, the extraordinary American writer who died this week at age 86 in California, where he spent the last 9 years of his life.

Gore Vidal was a child of the Senate—or more precisely, a grandchild of the Senate. His maternal grandfather was Senator Thomas Pryor Gore of Oklahoma, and the writer's happiest childhood memories were of the times he lived at Senator Gore's Washington home. According to Vidal's New York Times obituary, ''He loved to read to his grandfather, who was blind, and sometimes accompanied him onto the Senate floor.'' Vidal himself later said, ''At something like 13 or 14, I wanted to be a politician, but knew that I was a writer. . . .''

This change of career path worked out best for everyone. Gore Vidal's prose was elegant and crystal clear, and his range as a writer has seldom been equaled. His essays, perhaps his greatest triumph, utilized and displayed his wide-ranging interests, encyclopedic learning, and dazzling wit. He also wrote more than two dozen novels including a series on American political history that is widely read and admired on both sides of the aisle—as well as plays, screenplays, television dramas, and two volumes of memoirs.

Gore Vidal twice ran for office, losing a 1960 run for Congress in upstate New York and a 1982 Senate primary in California. Despite these political setbacks, he remained convinced that ''There is no human problem which could not be solved if people would simply do as I advise.'' He dispensed his advice with great wit and intelligence for more than 60 years, and America is far the richer for it.

DROUGHT IMPACT

Mr. CARDIN. Mr. President, I rise today to speak about the devastating impact the drought gripping nearly 80 percent of the country is having on food producers.

Fewer natural occurrences are more devastating to agricultural production than extreme drought. The drought conditions the United States is facing today are considered the worst the country has seen in more than 50 years.

Data computed in the Palmer Drought Severity Index indicate that the severity of the current drought is on par with the Dust Bowl of the 1930s.

USDA has determined that more than 1,000 counties in 26 States, encompassing more than two thirds of the lower 48, are experiencing drought conditions. Drought conditions stretch from coast to coast and encompass nearly every State south of 42nd parallel west of the Mississippi River while also including nearly all of Florida, Alabama, Georgia and South Carolina. It is also worth noting that farmers on Delmarva peninsula are coping with a drought of their own as well as record high temperatures.

While these conditions undoubtedly present challenges for commodity growers, agricultural science, modern farming techniques and a series of financial support programs help commodity growers cope with increasingly difficult growing conditions.

These advances in farming, combined with robust grower supports like commodity direct payments and federally subsidized crop insurance premiums, along with a high market price for corn, driven by increased demand for corn from a variety of sectors, including ethanol producers who must meet government mandates to produce 15.2 billion gallons of ethanol this year, all help U.S. grain growers survive this difficult growing season.

Our national farm support programs are centered on assuring the financial security of commodity growers. However, there is little to no assurances on the availability and affordability of corn feed for livestock and poultry and for food production broadly.

This issue hits very close to home for me as Maryland's poultry industry continues to struggle tremendously during this drought because there is so little corn feed available. What feed is available is extremely expensive.

Feed accounts for more than 75 percent of the cost of raising poultry. Corn futures project the price of corn hitting $9 dollars a bushel by the end of the summer. As the price of feed continues to rise, feed costs will make up an even greater percentage of the cost to grow birds to market weight.

And unlike raising hogs and cattle, which ruminant species that can eat other types of feed like soybeans or hay, chickens can only eat grains—in other words corn.

To understand how important the availability of affordable corn is let's take a look at chicken by the numbers:

As of today, the price per bushel of corn is $8.20.

One bushel of corn equals 56 pounds of shelled corn.

On average, it takes 7 weeks and 13½ pounds of corn to raise a single chicken to market weight.

Market weight for a single chicken is approximately six pounds, although the weight of the bird that is actually meat is probably somewhere closer to three or four pounds.

Approximately four birds can be raised, from egg to slaughter, on a bushel of shelled corn—or, a little more than $2 worth of corn.

The retail price for a whole three pound chicken at a popular Maryland supermarket chain is $6 (at $2 per lb).

That means that the retail price of a pound of chicken is equal to the price of corn feed. And corn is just one input cost to raising poultry.

Clearly market conditions like this are not sustainable for maintaining a viable domestic poultry industry.

Domestic poultry, beef, and pork producers operate without the safety nets commodity growers have. Those domestic producers that are still owned by U.S.-based companies are at an even greater disadvantage, because many of the foreign owned meat and poultry companies in the U.S. can afford to operate at a loss for extended periods of time because they have financial backing from state-run banks overseas.

Our meat and poultry producers are in dire need of relief if they are going to survive into the future. One way to provide some relief for poultry and livestock growers would be to modify the Renewable Fuel Standard's ethanol production mandate for corn ethanol so as to provide our farmers better access to the corn stocks they need.

Food producers—including livestock and poultry producers, who use tremendous amounts of corn to raise their livestock and produce food—do not have the luxury of a mandated market for their products.

I understand the important role domestic ethanol production will play in helping our Nation achieve greater energy security. However, the nurturing and growth of our domestic biofuels industry must not come at the expense of our domestic food supply. In other words, we cannot sacrifice U.S. food security for energy security. That is why I do not support the use of food based feedstocks like sugar and corn to be commercially produced into ethanol.

Domestic food production is reaching a state of crisis driven by the increasing cost of inputs, like corn, that the food producers have to unfairly compete with industries that are operating with under government production mandates.

That is why Senators BOOZMAN, MIKULSKI and I introduced legislation making a simple change to the Renewable Fuel Standard to help provide domestic food producers access to corn.

This legislation will link the amount of corn ethanol required for the RFS to the amount of U.S. corn supplies. This legislation sets up a process so that when the USDA reports on U.S. corn supplies towards the end of each year, based upon the ratio of corn stocks to expected use, there could be a reduction made to the RFS mandate for corn ethanol. This is a commonsense solution to make sure that we have enough corn supplies to meet all of our corn demands.

Once a year, the administrator of the Environmental Protection Agency will review the current corn crop year's ratio of U.S. corn stocks-to-use ratio in making a determination of the RFS.

Another way to deliver some of this needed relief would be for the House to immediately pass the Senate Farm Bill

that passed with bipartisan support in the Senate in June.

The livestock disaster provisions originally enacted in the 2008 Farm bill expired in 2011, leaving producers without disaster assistance for the current crop year. The Senate bill strengthens these programs and makes them retroactive to address the current drought of 2012.

As of July 17, approximately 73 percent of cattle producing areas were affected by moderate or more intense drought.

As I mentioned earlier, the Delmarva peninsula, where a fair amount of the corn is raised for feed for Delmarva poultry, is in a state of drought, as are the regions of the country where the rest of the corn Delmarva poultry uses is shipped in from.

Livestock disaster programs are critical as farmers and ranchers experience losses in livestock and grazing land due to extreme heat, drought, and fire. The 2012 Farm Bill provides permanent funding and authority for the Livestock Disaster Programs.

Beyond helping livestock and poultry growers, the 2012 Farm Bill also provides much needed assistance to fruit and vegetable growers, too, by expanding crop insurance coverage to these farmers. The bill also allows the Risk Management Agency to conduct research and development on new crop insurance products to expand access to index-based weather insurance products for fruit and vegetable growers.

The House appears poised to just kick the can for a year. The House is likely to consider a measure to merely extend the 2008 Farm Bill for a year, while also offering some drought assistance—paid for from cuts to conservation programs.

This is a plan that the American Farm Bureau opposes, and demonstrates both the dysfunction of the House—in that they won't simply do what's easiest and best for farmers by taking up and passing the Senate bill—while also ignoring how vital farm conservation is to preventing agricultural disasters.

The Senate Farm Bill preserves USDA conservation programs. The Natural Resource Conservation Service, formerly known as the Soil Conservation Service, was born out of the tragedy of the Dust Bowl.

The disastrous droughts of the 1930s taught us the lesson that we need to do more to protect water and soil resources so that we do not repeat the mistakes of the past.

The 2012 Senate Farm bill conservation programs are critical for keeping America's farmers and ranchers doing what they do best—growing and producing a safe and stable food supply. Crops need healthy soil and plentiful water to grow, and natural disasters like drought have a long-term impact on soil and water quality.

The Farm bill's conservation title provides farmers and ranchers access to the tools they need to conserve and keep our Nation's natural resources as resilient as possible, even in the face of drought and other natural disasters.

For the good of American agriculture and the American consumer, I urge the House leadership to take advantage of this last opportunity before the August recess to do what is right and pass the Senate Farm bill. My hope is that House leadership will realize that it behooves us, when we go home to our districts during the summer recess and attend State and county fairs, to be able to tell our farming communities that we sent a Farm bill to the President with meaningful reforms and essential disaster relief to help them through these difficult times.

Personally, I want to be able to tell my poultry growers that Washington hears their plight. That is why, in addition to urging House passage of the Senate Farm bill, I would also like to see further relief for poultry growers in the form of improved access to corn feed.

For decades, America's corn growers were outproducing demand for corn from food producers. While consumers may have benefitted from relatively low corn prices, American corn and grain growers were hurting badly.

Since 2007, the tides have been turning significantly. National demand for corn is at an all-time high and corn is likely to reach $9 a bushel in the near future. A growing and hungry Nation, combined with new demands for corn that are the result of technological innovations, have created new uses for corn in the form of ethanol as both a motor fuel additive and in plastics. These new uses, combined with expanded traditional uses, have fueled the upward spike in corn prices.

The effects of the 2012 drought are obviously a catastrophe that we cannot legislate away. However, there are actions that the USDA and EPA could take to help improve market access to the corn stocks food producers need to keep feeding America.

Senators HAGAN, CHAMBLISS, PRYOR, BOOZMAN, and I have authored a letter to the EPA administrator calling for the waiver of the Renewable Fuel Standard's conventional ethanol production mandate for this year. Doing so would allow food producers to compete fairly with ethanol producers for corn.

While ethanol production is down, due to high corn prices ethanol producers are sitting on roughly 2.5 billion production credits, known as RINs (Renewable Identification Numbers), that they could cash in and further reduce the perceived demand for corn and increase the supply available to food producers.

I understand the important role domestic ethanol production will play in helping our Nation achieve greater energy security. However, the growth of our domestic biofuels industry must not come at the expense of our domestic food supply. We cannot sacrifice U.S. food security for energy security. That is why I do not support the use of food based feedstocks like sugar and corn to be commercially produced into ethanol.

I believe the future of biofuels must be in the development and production of cellulosic and advanced biofuels that are not derived from feedstocks that are part of essential food sources.

Because of corn's many uses, it has become a commodity that is in high demand. Assuring our domestic food producers' access to this valuable and increasingly scarce crop is so important to controlling the cost of food in America and maintaining the economic viability of our U.S. food companies.

I urge my colleagues to join Senators HAGAN, BOOZMAN, PRYOR, CHAMBLISS and I in calling on EPA to waive the RFS corn ethanol production mandate and call on the House to pass the Senate's Farm bill.

BRUMIDI GOLD MEDAL CEREMONY

Mr. ENZI. Mr. President, I ask unanimous consent that the remarks I deliver on July 11 at the Brumidi Gold Medal Ceremony be printed in the RECORD.

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

STATEMENT ON S. 254

A BILL TO AWARD POSTHUMOUSLY A CONGRESSIONAL GOLD MEDAL TO CONSTANTINO BRUMIDI CONSTANTINO BRUMIDI GOLD MEDAL CEREMONY, RAYBURN ROOM, DELIVERED JULY 11, 2012—11 AM

Mr. Speaker, Leaders, Mr. Ambassador, fellow Italians—and friends of Italy. This is a process that started about five years ago, and it's the first one that one hundred Senators ever sponsored. It's taken 5 years but for Constantino Brumidi, there was no greater honor than being called an American citizen. It was a title he sought and then signed with pride on the best of his work.

For my own family and for many of you, it wasn't long after Constantino Brumidi left for America, that my own ancestors heard the call for freedom and came here as well. Just like Constantino Brumidi they left the beauty of Italy—its mountains and its sunny shores—to come and be a part of the great adventure called the United States.

And I swear that if you walk through these halls late at night you can almost hear the whispers of the past and the hushed echoes of the voices of our Founding Fathers, past Senators and Representatives as they debated and discussed the issues of the day. And perhaps Constantino, as he talks about the art.

The history books tell us that Constantino Brumidi was born in Rome of Italian and Greek heritage, and he had a great talent for painting that revealed itself at an early age. After he came to the United States and one day, after completing a commission, he stopped in Washington, DC, to visit the Capitol on his way home, and looking at its tall, blank walls and empty corridors, he must have felt the excitement and inspiration only an artist facing an empty canvas can know. On that day he began what was more than an assignment for him—it was a labor of love—as he brought to life the great moments in American history for all of us to see on the walls and ceilings. His efforts were destined to earn him the title of ''America's Michelangelo.''

Liberty is the philosophy that guided Constantino Brumidi's hand as it fired his imagination and inspired his creations in our nation's Capital. Imagine what he would think if he could walk these corridors today. He would see that his beautiful work has stood the test of time, especially after being cleaned up after the accumulated lamp smoke. He would know of the appreciation and admiration of countless visitors from our shores and around the world. He would see that his art continues to thrill the millions who flock here every year. I believe he would be both proud and humbled to be the center of such attention.

Throughout the Capitol, each careful stroke of Brumidi's brush will continue to remind us that we are blessed and truly fortunate to live in this land of promise and opportunity.

Now it is only fitting that the Congress of the United States of America should bestow on Constantino Brumidi the nation's highest civilian honor—the Congressional Gold Medal—which incidentally is to be permanently displayed in the Capitol. It will be the only one displayed in the Capitol, and will give people an opportunity to see what a Congressional Gold medal looks like.

And now I would like to introduce my colleague and fellow Italian-American, Senator Pat Leahy of Vermont, who served since 1974, and if you check his left lapel, he is wearing one of the highest awards that Italy can give to a son of Italy. He was one of the original sponsors on my Senate Constantino Brumidi bill and helped me gather every single signature to support this bill. Senator LEAHY is the Chairman of the Senate Judiciary Committee, and is a senior member of both the Agriculture and Appropriations Committee. I give you my fellow Italian, Senator Pat Leahy.

CPSIA ANNIVERSARY

Ms. KLOBUCHAR. Mr. President, few states appreciate the importance of outdoor recreation the way we do in Minnesota—whether it is cross-country skiing, snowmobiling, fishing, hiking or off-roading, these activities are more than just hobbies for us—they are a way of life and they are woven into the fabric of our economy. That is why today I rise to commemorate the 1-year anniversary of the passage of the lead standard exemptions for youth all-terrain vehicles.

Minnesota is home to many strong recreational product manufacturers that provide jobs and have helped move our economy forward during these difficult times. Our economy doesn't hinge on churning money around Wall Street, it hinges on building things and the motorcycle and all-terrain vehicle industry is a shining example of that. This industry is not just about recreation—it is about jobs, it is about manufacturing, and it is about preserving a key part of our culture and economy.

I supported the Consumer Product Safety Improvement Act when it passed in 2008 because it addressed serious safety concerns about lead in children's toys. But when we have legislation as detailed and sweeping as the Consumer Product Safety Improvement Act, certain adjustments and clarifications sometimes need to be made, as we saw with the lead limits for youth all-terrain vehicles. Simply put, children's off-road vehicles were never supposed to be subject to requirements in the Consumer Product Safety Improvement Act.

The law was designed to protect our kids, but by banning youth-sized all-terrain vehicles children were put at risk because they started riding oversized adult vehicles that don't take the same considerations as a model meant to accommodate children. Once it became clear that the Consumer Product Safety Commission was going to hold youth all-terrain vehicles to the new lead requirements, I began working to find a solution to the problem.

That is why I pushed to pass the amendments to the Consumer Product Safety Improvement Act last year to exempt youth all-terrain vehicles from lead standards. August 12th will be the 1-year anniversary of enactment of these amendments to Consumer Product Safety Improvement Act into law.

I would like to commemorate the 1-year anniversary of passage of these amendments to Consumer Product Safety Improvement Act that help protect our children and ensure they enjoy the outdoors for many years to come.

TRIBUTE TO TOM SULLIVAN

Ms. KLOBUCHAR. Mr. President, I rise today to recognize the exceptional leadership and dedication of my deputy chief of staff Tom Sullivan, who has been with me since my first days in the Senate and will soon be leaving to accept a senior adviser role at the U.S. State Department.

To say that Tom will be missed would be an understatement. Over the last 6 years, he has distinguished himself as an invaluable member of my staff, rising through the ranks and filling many key roles along the way. He started out as a legislative assistant, but it wasn't long before he was serving as my deputy legislative director and, eventually, my deputy chief of staff.

In many ways you could call Tom the nerve center of my office—the utility player who can step in and perform virtually any task that is asked of him, regardless of whether it is press strategy or scheduling or legislative analysis. No policy was ever too complex for him, no assignment too daunting, no challenge too thorny.

Tom's versatility is especially apparent in his knowledge of policy, which spans the full spectrum of State and Federal issues. He came to my office with a background in foreign relations but quickly became an expert in everything from energy to technology to health care, mastering and remembering even the most minute of details without losing sight of the forest for the trees. That is a rare talent, and Tom has it in spades.

Mr. President, as you know, Senate offices often become like their own little family units. In the last 6 years, Tom Sullivan has become an esteemed member of the Klobuchar family, and he will be sorely missed—not just for his skill and expertise but for his composure, kindness, and unflappable good nature. We wish Tom well in his new position at the State Department and know that we can expect to see great things from him as he begins a new and exciting journey in public service.

VIOLENCE AGAINST WOMEN ACT

Mrs. SHAHEEN. Mr. President, I rise today to talk about the importance of passing the Violence Against Women Act, and reauthorizing this critical funding for survivors of domestic violence. We have heard about the protections the Senate version offers that the House does not, to women on college campuses, to women on tribal lands, to LGBT victims, and to immigrants. It is important to remember all of the other programs supported by this important legislation.

On this day, when preventive health care finally becomes available to 47 million women, including free domestic violence screening and counseling, it is worth taking a look at how domestic violence impacts healthcare for women and families in this country.

According to a study by the Centers for Disease Control, the average cost of health care services for women is more than twice the average cost for men, and this is largely due to the costs and impact of domestic violence.

The CDC estimates the direct health care costs associated with domestic violence to be around $4.1 billion every year. And we know this is a conservative estimate, because many victims never come forward.

But we have a proven tool in this fight, and that is the protections in the Violence Against Women Act. Since the bill first went into effect in 1994, reporting has increased by 51 percent according to the Department of Justice. The FBI reports that the number of women killed by an intimate partner has decreased by 34 percent. And VAWA saved $12.6 billion in its first 7 years alone.

It is not just that women are safer because of VAWA, our economy also improves when domestic violence is successfully prevented, because fewer women are going to the emergency rooms, missing work, or deciding they cannot care for their children.

I have had a chance to visit several crisis centers in New Hampshire who benefit directly from VAWA funding. Most recently, I visited the Monadnock Center for Violence Prevention in Keene, and had a chance to speak with caseworkers and survivors. I spoke with two women who told me that when they decided it was time to leave their abuser, they had no place else to go.

And I asked them, ''What would have happened if this center wasn't here?''

''My husband would have killed me,'' replied one woman.

This is why we need to reauthorize the Violence Against Women Act. This

is about women who are in danger, and desperately need our help.

I also had a chance to meet some children who were staying at the center. And I would like to take a moment to talk about how important this bill is for them, both children who witness domestic violence, or are victims themselves.

Centers all over New Hampshire and the United States have child advocacy programs that offer support groups for children. Dawn Reams, Director of the Bridges Crisis Center in Nashua, NH, described that they have a full-time child advocate who receives funding from VAWA. We know that children are particularly vulnerable and ill-equipped to deal with trauma.

And this trauma affects them for their entire lives. A study by the World Health Organization found that children raised in households where domestic violence occurred are more likely to have behavioral problems, drop out of school early, and experience juvenile delinquency. A child who witnesses domestic violence between his or her parents is more likely to view violence as an acceptable method of conflict resolution. Boys who witness domestic violence are more likely to become abusers, and girls who witness domestic violence are more likely to become victims of domestic violence as adults.

The advocate at Bridges does her best to prevent this cycle by providing safety planning for the children, teaching them that they can live a life free of violence. There is free preventive care for children.

She told the story of one young boy, Brian, who was nervous about returning to school. He was supposed to bring with him a story about something fun he had done over the summer. Brian was staying at Bridges with his mother, and it had not been a fun summer. So the child advocate organized a barbeque in a park across the street from the crisis center.

This is the type of healing we need more of, and we can start by reauthorizing the Violence Against Women Act. I urge all of my colleagues in the House to pass the Senate VAWA, for women, for children, for all survivors and for those that have not yet come forward.

REMEMBERING GAETANO ''TOM'' MAZZARELLA

Mr. BLUMENTHAL. Mr. President, I rise today to pay tribute to the life of Gaetano ''Tom'' Mazzarella, an admired Connecticut constituent and Norwich resident, military hero, and beloved member of our veterans community.

I had the privilege and honor of knowing Tom, who truly was extraordinary in dedication to country, drive to service, and passionate loyalty to his fellow veterans. He was rich in personality and so warm and generous to me that I feel the loss almost as a family member.

The Nation will be forever indebted to Tom for his military service as a U.S. Marine and a member of the Connecticut Army National Guard. For extraordinary bravery and sacrifice in the Pacific Theater during World War II, he was decorated with the Silver Star and Purple Heart. He also served courageously in the Korean war. But these honors reflected only part of the significance of his service.

The city of Norwich will never forget Tom's good-spirited dedication to community, gracious sense of humor, and engaging smile. He worked part-time at both the Norwich Ice Rink and the Norwich Golf Course. He also gave years of devoted, hard work to Electric Boat.

Throughout his lifetime, his service to his country never ebbed or ended. Dressed in his Marine Corps dress blues, he inspired current military members, veterans, and citizens of Connecticut as a representative of ''the greatest generation.'' He and his brothers would visit local groups, telling stories and sharing memories that displayed their genuine pride of their military service for a country that they loved deeply. He was an eloquent, moving speaker, who instilled national loyalty, civic duty, and the importance of public service at many parades, military ceremonies, and veterans organizations with memories of American bravery and sacrifice.

Through my moving conversations with Tom—most recently at the ribbon cutting for Jewett City, Connecticut's housing for homeless veterans—I came to know why he was a hero to so many. He inspired all to aspire to a life of valor and patriotism and to understand the true importance of working for the greater good.

I ask my colleagues to join me in honoring Tom—a national hero and a hero for all who adored and knew him in daily life. He will live on through the love of country, strength, friendship, and comradeship that he instilled, and continues to instill to this day on the floor of the Senate.

ADDITIONAL STATEMENTS

FROSTBURG, MARYLAND

• Mr. CARDIN. Mr. President, I wish to recognize the 200th anniversary of the city of Frostburg in western Maryland. Frostburg is located in the mountainous terrain of Alleghany County and sits on the eastern slope of Big Savage Mountain. Frostburg's first settlers arrived during the construction of the National Road in 1811; the first permanent residents settled there a year later, in 1812, which is the bicentennial we are observing September 14–16, 2012. The town was formally incorporated in 1816. It was originally called Mount Pleasant but the name was changed to Frostburg, after Josiah and Meshach Frost. Meshach Frost built the city's first house which later became home to the Stockton Stagecoach Company and prompted the construction of other hotels and accommodations for travelers on the National Road. This traffic along the road contributed to the growth of the town as it became a regular stopping point.

Although coal had been discovered near the town as early as 1782, difficulties in transportation made mining in western Maryland impractical. But with the local development of the Baltimore & Ohio Railroad and the Chesapeake & Ohio Canal in the 1840s, coal mining began to flourish, providing tremendous economic opportunities for Frostburg. In 1846, Meshach Frost opened the Frostburg Coal Company and began to send the first large shipments of coal to the east. Only 4 years later, numerous other companies became active in the area, including the Allegany Coal Company, the Maryland Coal Company, and the Washington Coal Company. By 1863, the economy of Frostburg and the surrounding area was firmly tied to the increasingly profitable coal industry. Another industry to develop during this period was the manufacturing of fire bricks from high grade clays found in the area. In 1902, the Big Savage Fire Brick Company was formed and to this day is one of the major manufactures of fire bricks on the east coast.

Frostburg State University, founded in 1898, was donated to the State by the citizens of Frostburg and was intended to train teachers for Maryland's public schools. The school grew slowly from an original enrollment of 91 students and has expanded to serve over 6,000 students today. The University has become a major economic engine for the community and a hub for academic and cultural activity.

I ask my colleagues to join me in congratulating Mayor W. Robert Flanigan and the residents of the city of Frostburg on its bicentennial birthday and 200 years of industry and ingenuity.•

TRIBUTE TO DR. ROBIN W. MORGAN

• Mr. COONS. Mr. President, it is with great pleasure that I wish to honor the exemplary service of Dr. Robin W. Morgan as the dean of the College of Agriculture and Natural Resources at the University of Delaware. For the past 10 years, Dr. Morgan has played an instrumental role in the expansion of agricultural research in her department and the development of higher education in our State. As she steps down from her position as dean to rejoin the University of Delaware's faculty, I give my most sincere thanks to her and her staff for their diligent and enduring efforts to maintain the College of Agriculture and Natural Resources' reputation as one of the best in the Nation.

Throughout her tenure as dean, Dr. Morgan conducted many studies that highlighted the substantial contribution of agriculture to Delaware's economy. Through her research and professional leadership, she has relentlessly

supported agriculture in Delaware and has emphasized its importance to the financial well-being of our State. Dr. Morgan has always taken great pride in her faculty, which brings new skills, ideas, and innovation in various fields to the future of agriculture and natural resources. Over the past decade, under Dean Morgan's guidance, the number of undergraduate applications to the College of Agriculture and Natural Resources has doubled. The high caliber of hired faculty and Dr. Morgan's persistence in rebuilding several University of Delaware greenhouses has been pivotal to the growth of the program.

I wholeheartedly thank Dr. Robin W. Morgan for her service as dean of the College of Agriculture and Natural Resources at the University of Delaware. Her model leadership and dedication improved the quality of education and research offered within her department. I wish her the best of luck as she steps down to pursue other research and teaching endeavors at the University of Delaware.●

TRIBUTE TO SUSAN MARTINOVICH

● Mr. HELLER. Mr. President, today I wish to recognize a native Nevadan for her accomplished career and lifelong commitment to the Silver State. Susan Martinovich, director of the Nevada Department of Transportation, NDOT, will be retiring this summer after 28 years with the agency. As an incredible leader in recognizing and addressing the transportation needs of my home State for nearly three decades, Susan's talent will be difficult to replace.

Susan started her career at NDOT as a rotation engineer where she became familiar with the inner workings of the department. Shortly thereafter, she was promoted to the bridge division and was responsible for the design of several structures in the State. Over the next decade, Susan worked her way up through the agency and contributed to the development of several major freeway projects. In 2007, she was appointed as the first female director of NDOT, where she assumed the role of managing the agency of more than 1,800 individuals. As director, Susan continuously advocated for a solid and comprehensive transportation plan, focused on creating jobs for Nevadans.

In 2011, she was named the first female president of the American Association of State Highway Transportation Officials, AASHTO, a national organization representing highway and transportation departments across the country. As president, she supported AASHTO's mission of promoting the development, operation, and maintenance of a cohesive national transportation system.

I wish Susan the best of luck in her future endeavors and look forward to what she will accomplish next. Today, I ask my colleagues to join me in recognizing her indelible service to the great State of Nevada.●

RECOGNIZING TIMBERLINE LODGE

● Mr. MERKLEY. Mr. President, today I wish to celebrate the 75th anniversary of Timberline Lodge.

Since being constructed in 1937 under President Roosevelt's Works Project Administration, Timberline Lodge has served as a beacon for those looking to enjoy year-round recreational activities on one of the Nation's most magnificent mountainsides—Oregon's Mount Hood.

Overcoming a series of challenges in the first part of the 20th century that threatened to close this lodge, Oregon's Timberline Lodge was declared a National Historic Landmark by the U.S. Department of the Interior on December 22, 1977. Without the tireless work of those who have cared for Timberline Lodge over the years, specifically Richard L. Kohnstamm and the Friends of Timberline, the legacy of this national treasure would not have endured.

Today, over 1.9 million people visit Timberline Lodge every year. This includes the U.S. Ski Team, which trains at Timberline every summer.

Part of Timberline's rich history is its role in many films. Most notably, visuals of the exterior of the lodge were used to depict the Overlook hotel in ''The Shining.''

As President Roosevelt said in 1937 when he dedicated this lodge: ''The people of the United States are singularly fortunate in having such great areas of the outdoors in the permanent possession of the people themselves—permanently available for many different forms of use.''

It is my honor to celebrate the 75th anniversary of Timberline Lodge, a landmark that Oregon, and the Nation, is lucky to have.●

CONGRATULATIONS BIRDIE ELISE DAVIDSON

● Mrs. McCASKILL. Mr. President, today I wish to lead the Senate in congratulating Mrs. Birdie Elise Davidson on reaching her 100th birthday on September 7 of this year.

Birdie was born in Muskogee, OK, to Essie and Max Davidson and grew up with three brothers. She moved to St. Louis when she married Mr. Louis Sachs. She and Mr. Sachs have three children, seven grandchildren, and six great granddaughters. Her daughter, Marjorie, is married to Mr. Louis Susman, the U.S. Ambassador to Court of St. James in the United Kingdom. Her daughter, Nancy, lives in Highland Park, IL. Her son Louis, Jr., lives in San Diego, CA.

After retiring with her husband to Key Biscayne, FL, Birdie earned recognition for her philanthropic activities. She is best known for her work for the American Cancer Society.

The social and technological developments that Birdie has witnessed in her lifetime are truly incredible. She has lived through two world wars, the rise and fall of the Soviet Union, and the Great Depression. She has experienced the birth of the Internet, humanity's journey into space, and the eradication of polio and smallpox. Birdie was born before women had the right to vote, but ninety-six years later, she supported President Obama's 2008 Presidential campaign. Upon meeting then-candidate Obama, she told him: ''Young man, I have been alive through 17 Presidents and I am counting on you being the 18th—don't disappoint me!'' She urged President Obama to set new records and to challenge conventional wisdom because she knows the scope and speed of change possible in American life as few others do.

Today, I join with my colleagues in the Senate in congratulating Birdie and her family on this amazing occasion, and wishing her good health and happiness.●

KANSAS STATE FIRE FIGHTER'S ASSOCIATION

● Mr.ROBERTS. Mr. President, this August the Kansas State Firefighters Association will commemorate 125 years of providing the great State of Kansas with the safety, resources, and preparedness it takes to ensure our firefighters are able to protect our citizens. On August 3, 1887, five service leaders met and organized the Kansas State Volunteer Firemen's Association. Today, that organization is known as the Kansas State Firefighters Association and has grown to 518 member fire departments. In 125 years, the Kansas State Firefighters Association has never faulted on its motto: Dedicated to the safety and education of the Kansas firefighter.

We all know this summer has been hot and dry. We have seen the deadly destruction fire can cause often with little warning. In times like these, fires created by heavy drought have the potential to get out of control quickly. Our courageous firefighters stand ready to battle the flames whether naturally created or man-made. The Kansas Fire Fighter's Association makes certain these selfless, dedicated men and women have the proper tools and resources to battle whatever they face.

With that in mind, it is with great pride that I ask the Senate to recognize the Kansas Fire Fighter's Association for all it has done over the past 125 years and for the crucial work the members continue to do to protect us.●

RECOGNIZING THE RUN TO HOME PROGRAM

● Mr. BROWN of Massachusetts. Mr. President, I rise today to highlight the groundbreaking work that some extraordinary citizens from Massachusetts are doing to help veterans of the wars in Iraq and Afghanistan. After a decade of conflict, tens of thousands of servicemen and women are returning home with invisible wounds. They and their families are struggling to cope with the effects of deployment-related

stress and traumatic brain injury. In New England alone, an estimated 50,000 Iraq and Afghanistan veterans experience invisible wounds related to combat, often requiring rigorous, individualized care.

The Department of Veterans' Affairs plans to hire an additional 1,900 mental health staffers across the country. This is a promising start, but the increasing demand for mental health services, delays in mental health treatment and appointments, and the growing divide between mental health specialists and veterans requires that we do more.

Thankfully, in New England, concerned citizens are not standing on the sideline waiting for the VA to solve the problem. They are coming together around our veterans and their families right now to provide them with the support they need.

The Run to Home Base Program offers our heroes and their families a place to turn. Developed through a collaborative effort of The Red Sox Foundation and Massachusetts General Hospital, veterans have an opportunity to receive the compassionate support they deserve from trained mental health caregivers. The Run to Home Base Program is a perfect example of the kind of unique partnerships and innovative approaches that are sure to provide our newest generation of veterans with the world-class care that their selfless sacrifices deserve.

I have been proud to participate for the past 2 years in the Run-Walk to Home Base at Fenway Park in Boston. This year's event in May raised over $7 million for the cause, a remarkable showing of support for our Nation's heroes. Imagine what could be done for other veterans and their families around our country if this inspiring model were to spread. We have an obligation to honor our veterans and their families through timely, predictable and effective care and compensation. Thanks to the Run to Home Program, many in New England are making a difference to better serve our veterans today.●

REMEMBERING MARY LOUISE RASMUSON

● Ms. MURKOWSKI. Mr. President, today I wish to honor Mary Louise Rasmuson, who passed away on July 30, 2012, in Anchorage, AK. She was an Alaskan pioneer in every sense of the word—as a trailblazer in Alaska soon after statehood, to serving in the military, creating pathways for Alaskan access to better health and living conditions, and as an advocate of stronger education and culture. I have known Mary Louise my entire life. She was a warm, gracious woman with a boundless capacity to give herself and energy to causes that impact every one of us.

Mary Louise was born in East Pittsburgh, PA, on April 11, 1911. Her father, George Milligan, died when she was 12. Her mother, Alice, emigrated from France at the age of 16. Mary Louise remained close to her mother and her brothers, George and Malcolm, for the rest of their lives. She enrolled in the Margaret Morrison Carnegie College, graduating with a bachelor's degree in education, and later earned a master's in school administration from the University of Pittsburgh. Mary Louise also received an honorary doctor of laws degree from the Carnegie Institute of Technology. She was one of the first two women to receive this degree.

In 1942, as the United States entered World War II, Mary Louise left her job as an assistant principal in a school district near Pittsburgh and became a member of the first class of the new Women's Army Corp. She rose quickly through the ranks, and in 1957 became the fifth Commandant, a position she occupied for 6 years as an appointee of President Eisenhower and President Kennedy. During her 20 years of service, she was awarded multiple medals and honors. As director of the Women's Army Corp unit, military historians credit her with major achievements, including increasing the Women's Army Corp's strength, insisting on effectiveness in command, working with Congress to amend laws that deprived women of service credit and benefits, and expanding the range of military opportunities open to women. At one event honoring her, former U.S. Secretary of Defense William Perry said, ''When you hear about women seizing new opportunities to serve, remember that they march behind Colonel Rasmuson.''

On November 4, 1961, she married Elmer E. Rasmuson, chairman of the National Bank of Alaska and a civilian aide in Alaska to the Secretary of Defense. She announced that she would retire from the Women's Army Corp as of July 31, 1962. In 1962, a civilian once more, Mary Louise Rasmuson moved to Anchorage with her husband. The city had perhaps 50,000 residents at the time. She quickly became active in civic affairs, and together Mary Louise and Elmer formed a dynamic team that was influential in the developing State. Mary Louise quickly adapted to life in Alaska and became active in community groups. She was a member of the Veterans of Foreign Wars and several other military organizations, the American Association of University Women, Zonta, Rotary Wives, Pioneers of Alaska, Anchorage Women's Club, League of Women Voters, Anchorage Republican Women's Club, Alaska Native Sisterhood, and National Association for the Advancement of Colored People, among other groups.

In 1967, Mary Louise began what would become 45 years of service on the board of the Rasmuson Foundation, a board whose mission is to support Alaskan nonprofit organizations to help them become more efficient and effective in improving the quality of life for Alaskans. She maintained an active role in the affairs of the foundation and regularly attended board meetings until her late nineties. In addition to helping direct millions of dollars in grants to Alaska nonprofit organizations through the foundation, she expressed her own philanthropy to institutions like Providence Healthcare in Alaska, Brother Francis Shelter, and the Alaska Native Heritage Center.

Perhaps her most visible impact on Alaska came from her service as head of the Municipality of Anchorage Historical and Fine Arts Commission and later as chair of the Anchorage Museum Foundation. Her vision, passion, and personal effort led to the creation of the Anchorage Museum of Art and History in 1968.

Mary Louise was intelligent, diplomatic, principled, ethical, gentle, and firm. She spent her life breaking barriers, challenging conventions, and seeking to improve opportunities for those around her. Her impact can be felt virtually everywhere in Alaska, whether improving the position of families, founding a world-class museum, enhancing health care research, or advancing education of Alaska Native cultures on a national stage. Her contributions have reached every corner of Alaska.

I join all Alaskans in paying my respects and honoring the extraordinary life of Mary Louise Rasmuson and know that for generations to come, everyone who walks into the Anchorage Museum bearing her name will be doing the same. May she rest in peace.●

RECOGNIZING SHUCKS MAINE LOBSTER

● Ms. SNOWE. Mr. President, my home State has a worldwide reputation of excellence in the seafood industry. The natural blessings of our rich, rugged coast coupled with our fishermen's hard work and commitment to quality is a recipe for success. Maine's seafood industry has blossomed to prestige and is known for its superior product. This reputation has been cultivated by Maine's industry leaders through years of careful quality control and efforts to foster brand recognition. I rise today to commend one such company—Shucks Maine Lobster of Richmond, ME that exhibits the ingenuity and innovative spirit so characteristic of the small businesses in Maine.

Founded in 2007 by CEO John Hathaway, Shucks Maine Lobster is a seafood processing company with an inventive solution to the most common predicament with lobster—extracting the meat is so much work. Buying wild-caught lobster straight from local fishermen, Shucks then processes the whole lobster using highly pressurized water to loosen the shell from the meat. The lobsters are then carefully shucked by hand and packaged in a vacuum-sealed container for freshness and extended refrigerator shelf life. This allows for the lobster meat to be extracted whole—no easy feat, I assure you. This unique method yields fresh, never cooked, preshucked lobster meat that is now available on a large commercial scale.

It is through the exceptional effort of companies such as Shucks Maine Lobster that Maine's seafood industry has garnered its world renowned reputation for premium quality products. The worldwide acclaim Shucks Maine Lobster continues to receive at international food shows and chef competitions adds to the long tradition of Maine's superior seafood. Their well-deserved accolades also promote Maine as a brand. By producing such a delicious and more user-friendly way to enjoy Maine's fresh lobster, Shucks introduces and expands to new markets and furthers the positive reputation of all Maine seafood.

The creativity, dedication, and can-do spirit, so characteristic of Maine entrepreneurs, can be seen at Shucks Maine Lobster in abundance. From a small lobster shack in Kennebunkport to a leader in the frozen lobster industry, Shucks has seen both the challenges and rewards of seeing an opportunity and sailing towards it. I commend Shucks Maine Lobster for all their success and wish them well in the future.●

TRIBUTE TO JUDGE HOWARD A. DAWSON, JR.

● Mr. PRYOR. Mr. President, today I wish to pay tribute to Howard A. Dawson, Jr., a native son of the State of Arkansas, and his lifetime of exemplary service to our Nation.

On August 21, 2012, Judge Dawson will celebrate the 50th anniversary of his appointment to the U.S. Tax Court. He is the longest serving judge in the history of the court, and one of only four Federal judges appointed by President Kennedy who continue to serve on the bench today. His longevity is remarkable, but his achievements are even more so.

Judge Dawson hails from Okolona, AR, and comes from a long line of educators—parents, uncles, and grandparents—who made their mark in Arkansas as teachers, school superintendents, and State Education Department officials.

Judge Dawson's earliest Federal service had some ups and downs. Senator Hattie Caraway—the first woman Senator from Arkansas and the first woman in the country elected to serve a full term as a Senator—facilitated his appointment as an elevator operator in what is now the Russell Senate Office Building. Since then, however, Judge Dawson's career has been ''all ups.''

As a young captain in the U.S. Army in World War II, Judge Dawson served in France and Germany. After graduation from law school in 1949 and a brief stint in private practice, Judge Dawson joined the Internal Revenue Service Office of Chief Counsel and held a series of increasingly responsible positions, rising to assistant chief counsel, administration, at the time of his appointment to the Tax Court bench in 1962.

At the court in the late 1960s, Judge Dawson worked with his mentor, fellow Arkansan, and chairman of the powerful House Committee on Ways and Means, Congressman Wilbur D. Mills, to help shape legislation that reformed the Tax Code and the U.S. Tax Court. Judge Dawson also worked to establish the small tax case procedure, which has made the arcane world of tax litigation accessible to self-represented taxpayers, and he became the first judge in charge of the small tax case division.

During his five decades of service to the Tax Court, Judge Dawson's colleagues have three times chosen him as their chief judge. His work ethic is legendary, and he has authored some 1,200 opinions. But his contributions go far beyond his legal opinions, for with kindness, patience, and humor he has made his mark on the lives and careers of many at the court as colleague, mentor, and friend.

Judge Dawson has been supported in this work by his wife of more than 66 years, Marianne Dawson. Judge Dawson exemplifies the very best qualities of both a jurist and a public servant, and it is with great pleasure that I rise to salute him today.●

TRIBUTE TO JUDGE HOWARD A. DAWSON, JR.

● Mr. BOOZMAN. Mr. President, today I wish to honor the longest serving judge in the history of the U.S. Tax Court—Judge Howard A. Dawson, Jr.—who will mark his 50th year as a Federal judge on August 21, 2012.

Judge Dawson, a native of Okolona, AR, comes from a family of Arkansas educators. Because of his groundbreaking work to unify many rural schools in Arkansas, Judge Dawson's father was dubbed ''Dr. Rural Education.'' That reputation earned Judge Dawson's father a position within the Department of Interior and the family relocated to Washington, DC.

Judge Dawson started his Federal service right here at the U.S. Capitol complex. A fellow Arkansan, Hattie Caraway—the first woman to win election to the U.S. Senate—helped Judge Dawson get a job as an elevator operator in what is now the Russell Senate Office Building

During World War II, Judge Dawson served as a captain in the U.S. Army, where he was stationed in France and Germany. After the war, he earned his law degree at George Washington University School of Law. Judge Dawson eventually joined the Internal Revenue Service Office as chief of counsel after a brief time working in private practice. In 1962, Judge Dawson was appointed to the Tax Court bench by President John F. Kennedy.

Well respected among his peers, Judge Dawson was chosen to be chief judge three times during his five-decade tenure. He has authored over 1,200 opinions, but he is also known for contributions that extend beyond his legal writings.

As a judge, Dawson worked with fellow Arkansan, Wilbur Mills, to help shape the legislation that created today's U.S. Tax Court as an independent judicial body under article I of the Constitution.

In order to help self-represented taxpayers, Judge Dawson worked to establish the small tax case procedure to simplify and allow tax litigation to be more accessible. He became the first judge in charge of the small tax case division.

I would like to recognize Judge Howard A. Dawson, Jr., for his commendable service as a Federal judge. I am proud of his contribution to our Nation and to the Natural State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5986. An act to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUYE) reported that he had signed the following enrolled bills, previously signed by the Speaker of the House:

S. 679. An act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

At 2:52 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 bills, in which it requests the concurrence of the Senate:

H.R. 897. An act to provide authority and sanction for the granting and issuance of

programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes.

H.R. 1171. An act to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act.

H.R. 1402. An act to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government.

H.R. 1550. An act to direct the Attorney General to give priority in the allocation of Federal law enforcement personnel and resources to States and local jurisdictions that have a high incidence of homicide or other violent crime.

H.R. 1950. An act to enact title 54, United States Code, ''National Park System'', as positive law.

H.R. 2446. An act to clarify the treatment of homeowner warranties under current law, and for other purposes.

H.R. 3120. An act to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes.

H.R. 3158. An act to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

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

H.R. 3706. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

H.R. 3796. An act to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

H.R. 4073. An act to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

H.R. 4104. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame

H.R. 4273. An act to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes.

H.R. 4362. An act to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

H.R. 4365. An act to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

H.R. 5797. An act to exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements.

H.R. 6029. An act to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

H.R. 6062. An act to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The message also announced that the House has passed the following bills, without amendment:

S. 270. An act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

S. 271. An act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

S. 739. An act to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

S. 3363. An act to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes.

The message further announced that the house passed the following act, with an amendment, in which it requests the concurrence of the Senate:

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

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma.

ENROLLED BILLS SIGNED

At 5:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that the Speaker has signed the following enrolled bills:

S. 270. An act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

S. 271. An act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

S. 739. An act to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

S. 3363. An act to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes.

H. R. 1369. An act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''.

H.R. 1560. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta de Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 1627. An act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.

H.R. 1905. An act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

H.R. 3276. An act to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building''.

H.R. 3412. An act to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building''.

H.R. 3501. An act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''.

H.R. 3772. An act to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

ENROLLED BILL SIGNED

At 5:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the Speaker has signed the following enrolled bill:

H.R. 5986. An act to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 897. An act to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1171. An act to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1550. An act to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes; to the Committee on the Judiciary.

H.R. 1950. An act to enact title 54, United States Code, ''National Park System'', as positive law; to the Committee on the Judiciary.

H.R. 2446. An act to clarify the treatment of homeowner warranties under current law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3120. An act to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes; to the Committee on the Judiciary.

H.R. 3158. An act to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms; to the Committee on Environment and Public Works.

H.R. 3706. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3796. An act to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

H.R. 4273. An act to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4362. An act to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

H.R. 4365. An act to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5797. An act to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6062. An act to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017; to the Committee on the Judiciary.

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6029. An act to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3519. A bill to require sponsoring Senators to pay the printing costs of ceremonial and commemorative Senate resolutions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 2, 2012, she had presented to the President of the United States the following enrolled bills:

S. 679. An Act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization 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–7101. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Air Traffic Service Routes; Southwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2012–0287)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7102. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace and Amendment of Class E Airspace; East Hampton, NY'' ((RIN2120–AA66) (Docket No. FAA–2012–0217)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7103. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Southwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2012–0286)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7104. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0271)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7105. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0704)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7106. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0057)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7107. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Transport Category Airplanes'' ((RIN2120–AA64) (Docket No. ¶FAA–2012–0102)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7108. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PZL Swidnik S.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0703)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7109. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0189)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7110. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Vertol (Type Certificate Currently Held by Columbia Helicopters, Inc. (CHI)) and Kawasaki Heavy Industries, Limited Helicopters (Kawasaki)'' ((RIN2120–AA64) (Docket No. FAA–2012–0730)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7111. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0304)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7112. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0149)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7113. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0104)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7114. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Ocean City Maryland Offshore Grand Prix, Ocean City, MD'' ((RIN1625–AA08) (Docket No. USCG–2012–0046)) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7115. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Restricted Areas R–5402, R–5403A, R–5403B, R–5403C, R–5403D, R–5403E, and R–5403F; Devils Lake, ND'' ((RIN2120–AA66) (Docket No. FAA–2011–0117)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7116. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the 2012 Trimester 2 Directed Longfin Squid Fishery'' (RIN0648–XC098) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7117. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic

Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC093) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7118. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Marine Recreational Fisheries of the United States; National Saltwater Angler Registry and State Exemption Program'' (RIN0648–BB49) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation .

EC–7119. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC109) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7120. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–X094) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7121. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder, Flathead Sole, Rex Sole, Deep-Water Flatfish, and Shallow-Water Flatfish in the Gulf of Alaska Management Area'' (RIN0648–XC110) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7122. 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; Northeast Multispecies Fishery; Adjustment of Georges Bank Yellowtail Flounder Annual Catch Limits'' (RIN0648–X077) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7123. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC112) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7124. A joint communication from the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense (Intelligence), transmitting, pursuant to law, a report relative to maintaining the EP–3E Airborne Reconnaissance Integrated Electronic System II and the Special Projects Aircraft platform in a manner that meets the intelligence, surveillance and reconnaissance requirements of the Commanders of the Combatant Commands; to the Committee on Armed Services.

EC–7125. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7126. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–7127. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0085—2012–0096); to the Committee on Foreign Relations.

EC–7128. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2013 Rates; Hospitals' Resident Caps for Graduate Medical Education Payment Purposes; Quality Reporting Requirements for Specific Providers and for Ambulatory Surgical Centers'' (RIN0938–AR12) received in the Office of the President of the Senate on August 31, 2012; to the Committee on Finance.

EC–7129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–399, ''Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–400, ''Heat Wave Safety Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–7131. A joint communication from the Deputy Secretary, Department of Veterans Affairs, and the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Council for fiscal year 2011; to the Committee on Veterans' Affairs.

EC–7132. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7133. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Permissible Investments for Federal and State Savings Associations: Corporate Debt Securities'' (RIN3064–AD88) received in the Office of the President of the Senate on August 1, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–7134. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 2013, if sequester is necessary; to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–129. A concurrent resolution adopted by the General Assembly of the State of Ohio designating Central State University as Ohio's 1890 land grant university and requesting that the United States Congress pass legislation and the United States Department of Agriculture take steps to recognize that designation and provide the institution with all of the benefits of the designation; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 30

Whereas, the United States Congress enacted and the President of the United States signed into law the Morrill Act of 1862 permitting each state to designate at least one institution as a ''land grant'' college or university where the leading object is the teaching of agriculture and the mechanic arts, initially endowing such institution with a grant of land or scrip for the receiving state to sell and invest on behalf of the institution; and

Whereas, the United States Congress enacted and the President of the United States signed into law the Second Morrill Act of 1890 to extend access to higher education by providing sustained federal support for all land grant institutions and to expand and enhance educational opportunities in agriculture and the mechanic arts for Black Americans; and

Whereas, the State of Ohio established The Ohio State University as the state's land grant university under the Morrill Act of 1862 in order to provide excellent educational opportunities to all Ohioans; and

Whereas, the State of Ohio, in 1887, created the Combined Normal and Industrial Department of Wilberforce University to provide teacher training and vocational education open to all qualified applicants of good and moral character; and

Whereas, Central State University is the successor of that institution and continues to provide baccalaureate and graduate educational opportunities in a wide variety of agriculture-related disciplines; and

Whereas, Central State University is Ohio's only public historically Black college or university; and

Whereas, Central State University and its predecessor institutions have made the same extraordinary contributions to the education of African Americans in the State of Ohio as other 1890 universities have made in their respective states; and

Whereas, the Ohio General Assembly desires to designate Central State University as an 1890 land grant university under the Second Morrill Act; therefore be it

Resolved, That we, the members of the 129th General Assembly of Ohio, in adopting this Resolution, designate Central State University as a land grant university under the Second Morrill Act of 1890 and request that the United States Congress pass legislation, and the United States Department of Agriculture take the necessary steps, to recognize that designation and to provide Central State University with all of the benefits of such designation; and be it further

Resolved, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Secretary of the United States Department of Agriculture, the Speaker, Majority Leader, and Minority

Leader of the United States House of Representatives, and the President Pro Tempore, Majority Leader, and Minority Leader of the United States Senate.

POM–130. A resolution adopted by the House of Representatives of the State of Illinois urging the President and Congress to begin an expedited withdrawal of forces from Afghanistan; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 824

Whereas, the United States of America was attacked in a well-coordinated operation by a group of terrorists on September 11, 2001; and

Whereas, almost 3,000 innocent men, women, and children were killed as a result of the airplanes that were hijacked by the terrorists and subsequently crashed into the World Trade Center, the Pentagon, and an open field in Shanksville, Pennsylvania; and

Whereas, the terrorists were proven to be members of the terrorist organization known as al-Qaeda, which was led by Osama bin Laden; and

Whereas, the al-Qaeda terrorist organization had operated for years from sanctuary locations based in Afghanistan; the group conducted numerous acts of terror over the years against U.S. targets both on the U.S. mainland and in other locations throughout the world, which had been planned in those sanctuary locations; and

Whereas, in order to disrupt and destroy the al-Qaeda terrorist organization and capture or eliminate its leaders, it was necessary to attack the organization's sanctuary bases; and

Whereas, in October of 2001, the United States military, acting under orders issued by Commander-in-Chief President George W. Bush, attacked al-Qaeda sanctuary bases in Afghanistan in conjunction with local Afghan forces opposed to the terrorist organization operating in their country; and

Whereas, the United States military, in the finest traditions of America's fighting forces, had great success in disrupting, dispersing, and destroying al-Qaeda operations and eliminating many of its senior leaders; and

Whereas, President Barack Obama, succeeding President Bush as Commander-in-Chief, did continue and strengthen the efforts to completely destroy al-Qaeda; such efforts resulted in the killing of Osama bin Laden, the leader of al-Qaeda, bringing the world's leading terrorist to justice for the many acts of murder which he and his organization carried out; and

Whereas, the United States, having joined forces with nations from around the world, led an effort to stabilize Afghanistan by supporting infrastructure projects beneficial to all Afghans and by helping the Afghans understand the positive benefits of equal rights for all, judicial due process, and the rule of law; and

Whereas, after more than a decade of extended military operations to enhance security and with contributions of hundreds of billions of dollars of nation-building resources having been put into the country to foster development, much progress has been made toward the goals of a free and secure society within Afghanistan; and

Whereas, while this progress has come at a high financial cost, it has also cost the lives of more than 1,500 brave American service members and dozens of fighting forces of other nations, all of whom made the ultimate sacrifice in service to their country; and

Whereas, despite this progress, it appears from recent events involving all the International Security Assistance Forces (ISAF) that the presence of the United States military and that of other countries, as well as the civilian consultants that are working to help the Afghan people, has not been accepted by a broad spectrum of the Afghanistan population; and

Whereas, this lack of acceptance places all foreign military and civilian consultant personnel in grave danger, which results in an inability for those personnel to properly conduct the types of operations in which they are engaged; and

Whereas, there is already in place a plan to withdraw most forces from Afghanistan in the 2014 time frame; therefore, be it

Resolved, by the House of Representatives of the Ninety-Seventh General Assembly of the State of Illinois, That we urge the President and Congress to begin an expedited withdrawal of forces from Afghanistan, to the fullest extent possible consistent with strategic military objectives, thus accelerating the current withdrawal plan set in place; and be it further

Resolved, That suitable copies of this resolution be sent to the President, the Speaker of the United States House of Representatives, and the President pro tempore of the United States Senate.

POM–131. A resolution adopted by the Pecos River Commission requesting that Congress fully fund the National Streamflow Information Program (NSIP) gages associated with the Pecos River Basin and the U.S. Geological Survey place a priority on funding these gages under NSIP; to the Committee on Environment and Public Works.

POM–132. A resolution adopted by the Pecos River Commission requesting that Congress reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds to carry out work related to that legislation; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1956. A bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes (Rept. No. 112–195).

By Mr. INOUYE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5856. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112–196).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5882. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes (Rept. No. 112–197).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. 546. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes (Rept. No. 112–198).

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1065. A bill to settle land claims within the Fort Hall Reservation (Rept. No. 112–199).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. 1218. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 112–200).

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. No. 112–201).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 772. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service (Rept. No. 112–202).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 225. A bill to permit the disclosure of certain information for the purpose of missing child investigations.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S.J. Res. 44. A joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois.

William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California.

Jon S. Tigar, of California, to be United States District Judge for the Northern District of California.

By Mrs. MURRAY for the Committee on Veterans' Affairs.

*Thomas Skerik Sowers II, of Missouri, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Mrs. MCCASKILL (for herself and Ms. AYOTTE):

S. 3481. A bill to appropriately limit the authority to award bonuses to employees and to require approval of high cost Government conferences and reporting regarding Government conferences; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE (for himself, Mr. PAUL, Mr. DEMINT, Mr. COBURN, Mr. BLUNT, Mr. RISCH, Mr. TOOMEY, Mr. GRAHAM, Mr. ISAKSON, Mr. VITTER, Mr. RUBIO, Mr. CORNYN, Mr. CRAPO, Mr. JOHNSON of Wisconsin, Mr. ALEXANDER, Mr.

CHAMBLISS, Mr. BARRASSO, Mr. HATCH, Mr. THUNE, Mr. BOOZMAN, Mr. INHOFE, Mr. WICKER, and Mr. PORTMAN):

S. 3482. A bill to cut, cap, and balance the Federal budget; to the Committee on the Budget.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 3483. A bill to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 3484. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide an exception from the definition of loan originator for certain loans made with respect to manufactured homes, to amend the Truth in Lending Act to modify the definition of a high-cost mortgage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio:

S. 3485. A bill to limit the authority of States to tax certain income of employees for employment duties performed in other States; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3486. A bill to implement the provisions of the Hague Agreement and the Patent Law Treaty; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. MANCHIN, Ms. AYOTTE, Mrs. MCCASKILL, Mr. CORNYN, Mr. GRASSLEY, Mr. JOHNSON of Wisconsin, and Mr. PAUL):

S. 3487. A bill to provide for auditable financial statements for the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Ohio:

S. 3488. A bill to amend title 38, United States Code, to provide additional educational assistance under Post-9/11 Educational Assistance to veterans pursuing a degree in science, technology, engineering, or math, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts:

S. 3489. A bill to protect senior citizens, disabled persons, veterans, and other beneficiaries and customers of the Social Security Administration by performing the process for closure of field offices; to the Committee on Finance.

By Mr. BROWN of Massachusetts (for himself and Mr. LIEBERMAN):

S. 3490. A bill to dedicate funds from the Crime Victims Fund to victims of elder abuse, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW:

S. 3491. A bill to cut taxes for innovative businesses that produce renewable chemicals; to the Committee on Finance.

By Mr. TOOMEY (for himself, Mr. CARPER, Mr. MORAN, and Mrs. MCCASKILL):

S. 3492. A bill to provide for exemptions from municipal advisor registration requirements; to the Committee on Banking, Housing, and UrbanAffairs.

By Mr. KYL:

S. 3493. A bill to protect first amendment rights of journalists and internet service providers by preventing States and the United States from allowing meritless lawsuits arising from acts in furtherance of those rights, commonly called ''Strategic Lawsuits Against Public Participation'' or ''SLAPPs'', and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mrs. MURRAY, and Mr. MENENDEZ):

S. 3494. A bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless individuals who are full-time students for purposes of low income housing tax credit; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. RUBIO):

S. 3495. A bill to direct the President to establish an interagency mechanism to coordinate United States development programs and private sector investment activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3496. A bill to amend title XVIII of the Social Security Act to permit direct payment to pharmacies for certain compounded drugs that are prepared by the pharmacies for a specific beneficiary for use through an implanted infusion pump; to the Committee on Finance.

By Mr. VITTER:

S. 3497. A bill to amend the Financial Stability Act of 2010 to repeal certain designation authority of the Financial Stability Oversight Council, to repeal the Payment, Clearing, and Settlement Supervision Act of 2010, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 3498. A bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 3499. A bill to amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself, Mr. BARRASSO, Mr. COBURN, Mr. INHOFE, Mr. LEE, Ms. MURKOWSKI, Mr. ROBERTS, Mr. VITTER, and Mr. WICKER):

S. 3500. A bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. PAUL, Mr. MERKLEY, and Mr. SANDERS):

S. 3501. A bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3502. A bill to amend title 49, United States Code, to prohibit rental of motor vehicles under a safety recall because of a defect related to motor vehicle safety or noncompliance with an applicable motor vehicle safety standard until the defect or noncompliance is remedied, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself and Mr. WYDEN):

S. 3503. A bill to amend title 38, United States Code, to improve the provision of work-study allowances by the Secretary of Veterans Affairs to individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET (for himself, Mr. UDALL of Colorado, Mr. FRANKEN, Mr. AKAKA, Mr. BEGICH, and Ms. KLOBUCHAR):

S. 3504. A bill to help fulfill the Federal mandate to provide higher educational opportunities for Native Americans; to the Committee on Indian Affairs.

By Mrs. SHAHEEN (for herself and Mr. RISCH):

S. 3505. A bill to ensure the efficient use of taxpayer dollars in construction-related contracts for reconstruction efforts in Afghanistan by requiring reporting to Congress by Federal agencies that refuse to implement, or only partially concur with, SIGAR recommendations to seek reimbursement for failure by a contractor or subcontractor to successfullycomplete a contract due to poor contractor performance, cost overruns, or other reasons; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANDERS:

S. 3506. A bill to eliminate requirements to undertake duplicative clinical testing of new pharmaceutical drugs, vaccines, biological products, or medical devices, when such duplication is inconsistent with relevant ethical norms; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN:

S. 3507. A bill to renew the temporary suspension of duty on ceiling fans for permanent installation; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mr. COONS):

S. 3508. A bill to strengthen resources for entrepreneurs by improving the SCORE program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. NELSON of Florida:

S. 3509. A bill to amend the Water Resources Development Act of 2000 to provide for expedited project implementation relating to the comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. MCCONNELL):

S. 3510. A bill to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes; considered and passed.

By Mr. TESTER (for himself, Mr. BEGICH, and Mr. BROWN of Ohio):

S. 3511. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. MCCONNELL, Mr. KOHL, Mr. PORTMAN, Ms. LANDRIEU, Mr. BOOZMAN, Mr. MANCHIN, Mr. BLUNT, Mr. WARNER, Mr. JOHNSON of Wisconsin, Mr. PRYOR, Mr. MORAN, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. NELSON of Nebraska, Mr. TOOMEY, Mr. NELSON of Florida, Mr. GRAHAM, Mr. CASEY, Mr. THUNE, Mr. WEBB, and Mr. HATCH):

S. 3512. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; to the Committee on Environment and Public Works.

By Mr. REED:

S. 3513. A bill to promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, Mr. CASEY, and Mr. MANCHIN):

S. 3514. A bill to repeal a limitation on annual payments under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself, Mr. WYDEN, and Mr. TESTER):

S. 3515. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional protections for privacy and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3516. A bill to encourage spectrum licenses to make unused spectrum available for use by rural and smaller carriers in order to expand wireless coverage; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3517. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Panama-Pacific International Exposition and the Panama Canal; to the Committee on Banking , Housing, and Urban Affairs.

By Mr. WYDEN:

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; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. CORKER, Mr. JOHNSON of Wisconsin, Mr. LEE, Mrs. MCCASKILL, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, and Mr. TOOMEY):

S. 3519. A bill to require sponsoring Senators to pay the printing costs of ceremonial and commemorative Senate resolutions; read the first time.

By Mr. MERKLEY (for himself, Mr. AKAKA, Mr. BEGICH, Mr. BLUMENTHAL, Mr. FRANKEN, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. LEVIN):

S. 3520. A bill to require a portion of closing costs to be paid by the enterprises with respect to certain refinanced mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. DURBIN):

S. Res. 541. A resolution condemning the Government of Vietnam for human rights violations; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. Res. 542. A resolution expressing the sense of the Senate that the United States Government should continue to support democracy and human rights in Taiwan following the January 2012 presidential and legislative elections in Taiwan; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. CARDIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. MERKLEY, Mrs. MURRAY, Mr. RUBIO, Mr. LEAHY, and Mr. KIRK):

S. Res. 543. A resolution to express the sense of the Senate on international parental child abduction; to the Committee on Foreign Relations.

By Mr. MANCHIN (for himself and Mr. COBURN):

S. Res. 544. A resolution congratulating the Navy Dental Corps on its 100th anniversary; considered and agreed to.

By Mr. JOHANNS (for himself and Mr. NELSON of Nebraska):

S. Res. 545. A resolution commemorating the 75th Anniversary of Air Force Weather; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. SANDERS, Mr. WEBB, Mr. WHITEHOUSE, Mr. CARDIN, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, and Mr. ENZI):

S. Res. 546. A resolution designating the week of September 10, 2012, as ''National Adult Education and Family Literacy Week''; considered and agreed to.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Ms. SNOWE, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. BOOZMAN, and Mr. COONS):

S. Res. 547. A resolution honoring the life of pioneering astronaut Dr. Sally Ride and expressing the condolences of the Senate on her death; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 56. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

By Mr. ROCKEFELLER:

S. Con. Res. 57. A concurrent resolution expressing the sense of Congress that the census surveys and the information derived from those surveys are crucial to the national welfare; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY:

S. Con. Res. 58. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4240; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 59. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 225

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 225, a bill to permit the disclosure of certain information for the purpose of missing child investigations.

S. 227

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1045

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1045, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease.

S. 1061

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1061, a bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1385

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1385, a bill to terminate the $1 presidential coin program.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1775

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1775, a bill to promote the development of renewable energy on public lands and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1981

At the request of Mr. HELLER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 1993

At the request of Mr. NELSON of Florida, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Ms. STABENOW), the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2151

At the request of Mr. MCCAIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2151, a bill to improve information security, and for other purposes.

S. 2272

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2272, a bill to designate a mountain in the State of Alaska as Mount Denali.

S. 2347

At the request of Mr. CARDIN, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3245

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3245, a bill to extend by 3 years the authorization of the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3325

At the request of Mr. BEGICH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3325, a bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health.

S. 3332

At the request of Mr. BEGICH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3332, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel in the navigable waters of the United States.

S. 3342

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3342, a bill to improve information security, and for other purposes.

S. 3370

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3370, a bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

S. 3382

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3382, a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3397

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S. 3415

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3415, a bill to require the disclosure of all payments made under the Equal Access to Justice Act.

S. 3456

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3456, a bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

S. 3457

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

S. 3463

At the request of Mr. FRANKEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3463, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries.

S. 3471

At the request of Mr. RUBIO, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. LEE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3471, a bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes.

S. 3474

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3474, a bill to provide consumer protection for students.

S. 3480

At the request of Mr. JOHANNS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3480, a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 47

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution expressing the sense of Congress on the sovereignty of the Republic of Cyprus over all of the territory of the island of Cypress.

S. CON. RES. 50

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 392

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 392, a resolution urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

AMENDMENT NO. 2653

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2653 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2732

At the request of Mr. FRANKEN, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Oregon (Mr. MERKLEY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Ms. CANTWELL), the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN), the Senator from Montana (Mr. TESTER), the Senator from Virginia (Mr. WEBB) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2732 proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3486. A bill to implement the provisions of the Hague Agreement and the Patent Law Treaty; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce today legislation that will help American businesses and inventors by reducing obstacles for obtaining patent protection overseas. This bipartisan measure implements two patent law treaties that were signed under President Clinton and submitted for the Senate's advice and consent by President George W. Bush. The Senate voted to ratify the treaties in 2007 without a single Senator in dissent. With this implementing legislation, Congress will complete its work so that the treaties at last can be ratified and go into effect.

Our patent system plays a key role in encouraging innovation and bringing new products to market. The discoveries made by American inventors and research institutions, commercialized by our companies, and protected and promoted by our patent laws, have made our system the envy of the world. But in this global economy, it is not enough to have an effective domestic patent system; we must also help American inventors and businesses to protect their inventions and thrive in markets around the world. Consistent with last year's landmark patent reform legislation, the Leahy-Smith America Invents Act, this legislation will benefit American inventors by implementing two measures to reduce application barriers around the world.

The Hague Agreement Concerning International Registration of Industrial Designs provides a simplified application system for U.S. creators of industrial designs who, by filing a single standardized application for a design patent at the U.S. Patent and Trademark Office, can apply for design protection in each country that has ratified the Treaty. American design patent applicants who previously had to file separate applications in numerous countries may now file a single, English-language application at the U.S. Patent Office, reducing the costs and burdens of obtaining international protections. The U.S. Patent Office may also receive applications that have been filed internationally, but its substantive examination process remains unchanged. The standard for obtaining a design patent is not affected. By simplifying the process for American businesses to obtain design patents overseas, the Hague Agreement will reduce barriers for small and midsize companies to expand into foreign markets.

The Patent Law Treaty also streamlines the process for American businesses seeking patent protection overseas. It limits the formalities different countries can require in patent applications, which are often used to disadvantage American applications in foreign jurisdictions. American businesses and inventors will benefit from harmonized applications, reducing the cost of doing business and encouraging U.S. innovators to protect and export their products internationally.

In June, Director Kappos of the U.S. Patent and Trademark Office testified before the Judiciary Committee about the important need for this implementing legislation, stating that the treaties are ''pro-American innovation, pro-global innovation, pro-jobs, pro-opportunity.'' I agree. I urge the Senate to act quickly on this final step so that the treaties can at last be ratified, and American innovators and businesses can benefit from them as U.S. products continue to thrive on the global stage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3486

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 ''Patent Law Treaties Implementation Act of 2012''.

TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

"PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

''CHAPTER Sec.
''38. International design applications 381.

"CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS

''Sec.
''381. Definitions.
''382. Filing international design applications.
''383. International design application.
''384. Filing date.
''385. Effect of international design application.
''386. Right of priority.
''387. Relief from prescribed time limits.
''388. Withdrawn or abandoned international design application.
''389. Examination of international design application.
''390. Publication of international design application.

"§ 381. Definitions

''(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

''(1) the term 'treaty' means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

''(2) the term 'regulations'—

''(A) when capitalized, means the Common Regulations under the treaty; and

''(B) when not capitalized, means the regulations established by the Director under this title;

''(3) the term 'designation' means a request that an international registration have effect in a Contracting Party to the treaty;

''(4) the term 'International Bureau' means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

''(5) the term 'effective registration date' means the date of international registration indicated by the International Bureau under the treaty;

''(6) the term 'international design application' means an application for international registration; and

''(7) the term 'international registration' means the international registration of an industrial design filed under the treaty.

''(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

"§ 382. Filing international design applications

''(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

''(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17 of this title, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

''(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 of this title shall apply.

''(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 of this title if the international design application is filed—

''(1) in a country other than the United States;

''(2) at the International Bureau; or

''(3) with an intergovernmental organization.

"§ 383. International design application

''In addition to any requirements pursuant to chapter 16 of this title, the international design application shall contain—

''(1) a request for international registration under the treaty;

''(2) an indication of the designated Contracting Parties;

''(3) data concerning the applicant as prescribed in the treaty and the Regulations;

''(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the number and manner prescribed in the treaty and the Regulations;

''(5) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

''(6) the fees prescribed in the treaty and the Regulations; and

''(7) any other particulars prescribed in the Regulations.

"§ 384. Filing date

''(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 of this title may be treated as a design application under chapter 16 of this title.

''(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

"§ 385. Effect of international design application

''An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384 of this part, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16 of this title.

"§ 386. Right of priority

''(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 of this title and section 172 of this title, a national application shall be entitled to the right of priority based on a prior international design application which designated at least one country other than the United States.

''(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 of this title and section 172 of this title and the treaty and the Regulations, an international design application designating the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) of this title designating at least one country other than the United States, or a prior international design application designating at least one country other than the United States.

''(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120 of this title, an international design application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) of this title designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) of this title which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

"§ 387. Relief from prescribed time limits

''An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7) of this title, as may be prescribed by the Director.

"§ 388. Withdrawn or abandoned international design application

''Subject to sections 384 and 387 of this part, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) of this part was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

"§ 389. Examination of international design application

''(a) IN GENERAL.—The Director shall cause an examination pursuant to this title of an international design application designating the United States.

''(b) APPLICABILITY OF CHAPTER 16.—All questions of substance, and, unless otherwise

required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16 of this title.

''(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

''(d) ISSUANCE OF PATENT.—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16 of this title.

''§ 390. Publication of international design application

''The publication under the treaty defined in section 381(a)(1) of an international design application designating the United States shall be deemed a publication under section 122(b).''.

(b) CONFORMING AMENDMENT.—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

''V. The Hague Agreement concerning international registration of industrial designs ..... 401''.

SEC. 102. CONFORMING AMENDMENTS.

Title 35, United States Code, is amended—

(1) in section 100(i)(1)(B), by striking ''right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(2) in section 102(d)(2), by striking ''to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(3) in section 111(b)(7)—

(A) by striking ''section 119 or 365(a)'' and inserting ''section 119, 365(a), or 386(a)''; and

(B) by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(4) in section 115(g)(1), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(5) in section 120, in the first sentence, by striking ''section 363'' and inserting ''section 363 or 385'';

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)''; and

(ii) in paragraph (3), by striking ''section 119, 365(a), or 365(b)'' and inserting ''section 119, 365(a), 365(b), 386(a), or 386(b)''; and

(B) in subsection (d)(1), by inserting ''or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty'' after ''Article 21(2)(a) of such treaty'';

(7) in section 173, by striking ''fourteen years'' and inserting ''15 years'';

(8) in section 365(c)—

(A) in the first sentence, by striking ''or a prior international application designating the United States'' and inserting '', a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) of this title designating the United States''; and

(B) in the second sentence, by inserting ''or a prior international design application as defined in section 381(a)(6) of this title which designated but did not originate in the United States'' after ''did not originate in the United States''; and

(9) in section 366—

(A) in the first sentence, by striking ''unless a claim'' and all that follows through ''withdrawl.'' and inserting ''unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.''; and

(B) by striking the second sentence and inserting the following: ''However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b) of this part, or under section 386 (a) or (b), if it designated a country other than the United States.''.

SEC. 103. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall be effective on the later of—

(1) the date that is 1 year after the date of enactment of this Act, or

(2) the date of entry into force of the treaty, as defined in section 381 of title 35, as amended by this Act, with respect to the United States.

(b) APPLICABILITY OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications as defined in section 351(c) of title 35, United States Code, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) EXCEPTION.—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

TITLE II—PATENT LAW TREATY IMPLEMENTATION

SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.

(a) APPLICATION FILING DATE.—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE, OATH OR DECLARATION, AND CLAIMS.—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.'';

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE.—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.''; and

(3) by adding at the end the following:

''(c) PRIOR FILED APPLICATION.—The Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in application being regarded as abandoned and treated as having never been filed.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.—

(1) IN GENERAL.—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''§ 27. Revival of applications; reinstatement of reexamination proceedings

''(a) IN GENERAL.—The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''27. Revival of applications; reinstatement of reexamination proceedings.''.

(c) RESTORATION OF PRIORITY RIGHT.—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a), by adding at the end the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.''; and

(II) in the last sentence—

(aa) by striking ''including the payment of a surcharge'' and inserting ''including the payment of the fee specified in section 41(a)(7)''; and

(bb) by striking ''during the pendency of the application''; and

(ii) in paragraph (3), by adding at the end the following: ''For an application for patent filed under section 363 in a foreign Receiving Office, the 12-month and additional 2 month

period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.''; and

(2) in section 365(b), by adding at the end the following: ''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim where such priority claim pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.''.

(d) RECORDATION OF OWNERSHIP INTERESTS.—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: ''The Patent and Trademark Office shall maintain a register of interests in applications for patents and patents and shall record any document related thereto upon request, and may require a fee therefor.''; and

(2) in the fourth undesignated paragraph by striking ''An assignment'' and inserting ''An interest that constitutes an assignment''.

SEC. 202. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 171 of title 35, United States Code, is amended by adding at the end the following:

''The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking subsection (7) and inserting the following:

''(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, $1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director''; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ACCEPTANCE.—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in paragraph (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.'';

(2) in section 119(b)(2), in the second sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(3) in section 120, in the fourth sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking '', unless it is shown'' and all that follows through ''unintentional'';

(5) in section 133, by striking '', unless it be shown'' and all that follows through ''unavoidable'';

(6) by striking section 151 and inserting the following:

''§ 151. Issue of patent

''If it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

''Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.'';

(7) in section 361, by striking subsection (c) and inserting the following:

''(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.'';

(8) in section 364, by striking subsection (b) and inserting the following:

''(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.''; and

(9) in section 371(d), in the third sentence, by striking '', unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable''.

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall be effective on the date that is 1 year after the date of enactment of this Act and shall apply to all patents and to all applications for patent pending on or filed after the date that is 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) SECTION 201(A).—The amendments made by section 201(a) shall apply only to applications filed on or after the date that is 1 year after the date of enactment of this Act.

(2) PATENT THAT IS SUBJECT OF LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the date that is 1 year after the date of enactment of this Act.

By Mr. KYL:

S. 3493. A bill to protect first amendment rights of journalists and internet service providers by preventing States and the United States from allowing meritless lawsuits arising from acts in furtherance of those rights, commonly called ''Strategic Lawsuits Against Public Participation'' or ''SLAPPs'', and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce the Free Press Act. The FPA would create a Federal anti-SLAPP statute for journalists, bloggers, and other news media, authorizing them to bring a special motion to dismiss lawsuits brought against them that arise out of their speech on public issues. Once the special motion to dismiss is brought, the nonmoving party must present a prima facie case supporting the lawsuit; if the nonmovant fails to do so, the lawsuit is dismissed and fees and costs are awarded to the movant.

Anti-SLAPP laws effectively make it impossible for frivolous or marginal libel lawsuits arising out of protected speech to advance beyond an initial stage of litigation. Such laws thereby protect journalists and bloggers from the financial impact of defending against such suits. Approximately 30 States have anti-SLAPP laws, though their coverage varies. There is no federal law. The FPA would create a federal anti-SLAPP law, and allow parties to remove some state SLAPP claims to Federal court.

At the conclusion of my remarks today, I will submit for the record a section-by-section summary of the FPA. I will first, however, comment on several features of the bill, including the meaning of some of the language that is used, and Congress' authority to enact such legislation.

The FPA's special motion to dismiss requires the plaintiff to present ''prima facie evidence'' supporting his cause of action. The standard definition of ''prima facie evidence,'' which is employed by the FPA, is that given by Justice Story in his opinion for the court in *Kelly* v. *Jackson*, 31 U.S. 622, 632, 1832: ''What is prima facie evidence of a fact? It is such as, in judgment of law, is sufficient to establish a fact; and, if not rebutted, remains sufficient for that purpose.'' For similar statements, see *Bailey* v. *Alabama*, 219 S.Ct. 219, 234, 1911, quoting *Kelly* v. *Jackson*; and *Neely* v. *United States*, 150 F.2d 977, 978, D.C. Cir. 1945, which notes ''Justice Story's often quoted definition of prima facie evidence.''

This definition is also employed by Black's Law Dictionary, which defines ''prima facie evidence'' as:

> Such evidence as, in the judgment of the law, is sufficient to establish a given fact and which if not rebutted or contradicted, will remain sufficient. [Prima facie evidence], if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue which it supports, but [it] may be contradicted by other evidence.

In a recent concurring and dissenting opinion, Justice Scalia went so far as to describe this definition of ''prima facie evidence'' as ''canonical.'' He also stated:

> The established meaning in Virginia, then, of the term ''prima facie evidence'' appears to be perfectly orthodox: It is evidence that suffices, on its own, to establish a particular fact. But it is hornbook law that this is true only to the extent that the evidence goes unrebutted. ''Prima facie evidence of a fact is such evidence as, in judgment of law, is sufficient to establish the fact; and, if not rebutted, remains sufficient for the purpose.'' 7B Michie's Jurisprudence of Virginia and West Virginia § 32, 1998, (emphasis added).

Virginia v. *Black*, 538 U.S. 343, 369–70, 2003, Scalia, J., concurring in part, concurring in judgment in part, and dissenting in part.

Other Federal courts continue to use this definition of ''prima facie evidence:''

> ''A prima facie showing simply means evidence of such nature as is sufficient to establish a fact and which, if unrebutted, remains sufficient for that purpose.'' *Cumulus Media, Inc.* v. *Clear Channel Communications, Inc.*, 304 F.3d 1167, 1176 n.13, 11th Cir. 2002.

''Under [the prima facie evidence] standard, it is plaintiff's burden to demonstrate the existence of every fact required to satisfy both the forum's long-arm statute and the Due Process Clause of the Constitution. The prima facie showing must be based upon evidence of specific facts set forth in the record. To meet this requirement, the plaintiff must go beyond the pleadings and make affirmative proof. However, in evaluating whether the prima facie standard has been satisfied, the district court is not acting as a factfinder; rather, it accepts properly supported proffers of evidence by a plaintiff as true and makes its ruling as a matter of law. When the district court employs the prima facie standard appellate review is de novo.'' *United States* v. *Swiss American Bank, Ltd.*, 274 F.3d 610, 618–19, 1st Cir. 2001, citations and quotations omitted.

''Prima facie evidence consists of specific factual information which, in the absence of rebuttal, is sufficient to show that a fairness doctrine violation exists. * * * * In general terms, prima facie evidence is evidence which is sufficient in law to sustain a finding in favor of a claim, but which may be contradicted.'' *American Security Council Education Foundation* v. *F.C.C.*, 607 F.2d 438, 445–46 & n.24, D.C. Cir. 1979.

''A prima facie case is established by evidence adduced by the plaintiff in support of his case up to the time such evidence stands unexplained and uncontradicted. The words 'prima facie,' when used to describe evidence, *ex vi termini* imply that such evidence may be rebutted by competent testimony. The term prima facie evidence' implies evidence which may be rebutted and overcome, and simply means that in the absence of explanatory or contradictory evidence the finding shall be in accordance with the proof establishing the prima facie case.'' *In re Chicago Rys. Co*, 175 F.2d 282, 289–90, 7th Cir. 1949, citations and quotations omitted.

''The term prima facie evidence means * * * * [e]vidence good and sufficient on its face; such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient. Prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue which it supports, but which may be contradicted by other evidence.''' *Gibson* v. *Zant*, 547 F.Supp. 1270, 1276, M.D. Ga. 1982, quoting Black's Law Dictionary, 5th Edition.

'Prima facie evidence' is evidence which, if unrebutted or unexplained, is sufficient to establish the fact to which it is related. It proves the fact until other proof contradicts or overcomes the factual hypothesis initially set up by the presumption.'' *DAL Int'l Trading Co.* v. *The SS Milton J. Foreman*, 171 F.Supp. 794, 798, E.D.N.Y. 1959.

The FPA makes its special motion to dismiss available in cases arising out of speech on matters of public concern. It bears emphasis that ''matters of public concern'' include commentary on consumer products. As the Pennsylvania intermediate court of appeals recently noted, in *American Future Systems, Inc.* v. *Better Business Bureau of Eastern Pennsylvania*, 872 A.2d 1202, 1211, Pa. Super. 2005, a ''statement regarding the effectiveness of a consumer product addresses a matter of public concern.'' Similarly, the U.S. Court of Appeals for the Ninth Circuit, in *Unelko Corp.* v. *Rooney*, 912 F.2d 1049, 1056, 9th Cir. 1990, concluded that ''statements about product effectiveness'' address matters of public concern. And the Second Circuit, in *Flamm* v. *American Assoc. of University Women*, 201 F.3d 144, 150, 2d Cir. 2000, has held that a negative evaluation of an attorney's services, directed to potential customers, addresses a matter of public concern.

The following quotation from a New Jersey Supreme Court opinion, citing other courts' decisions, illustrates the breadth of support for the proposition that commentary on products or services offered to consumers is a matter of public concern. That court noted, in *Dairy Stores, Inc.* v. *Sentinel Publishing Co., Inc.*, 104 N.J. 125, 144–45, 516 A.2d 220, 230, 1986, that:

Some courts have developed criteria for determining whether the activities and products of corporations constitute matters of public interest. As previously indicated, matters of public interest include such essentials of life as food and water. See *Steaks Unlimited, Inc.* v. *Deaner*, supra, 623 F.2d 264; *All Diet Foods Distribs., Inc.* v. *Time, Inc.*, supra, 56 Misc.2d 821, 290 N.Y.S.2d 445; *Exner* v. *American Medical Ass'n*, supra, 12 Wash.App. 215, 529 P.2d 863. Widespread effects of a product are yet another indicator that statements about the product are in the public interest. *Robinson* v. *American Broadcasting Cos.*, 441 F.2d 1396 (6th Cir.1971) (possible causes of cancer are a matter of public concern); *Lewis* v. *Reader's Digest Ass'n*, supra, 366 F.Supp. at 156, article on an arthritis cure is in public interest because significant portion of population is afflicted with arthritis; *American Broadcasting Cos., Inc.* v. *Smith Cabinet Mfg. Co., Inc.*, 160 Ind.App. 367,——, 312 N.E.2d 85, 90, 1974, flammability of 25,000 baby cribs held to be matter of public interest; *Krebiozen Research Found.* v. *Beacon Press, Inc.*, 334 Mass. 86, ——, 134 N.E.2d 1, 6–9, cert. denied, 352 U.S. 848, 77 S.Ct. 65, 1 L.Ed.2d 58, 1956, possible cures for cancer are matter of public concern. Still another criterion is substantial government regulation of business activities and products.

The FPA thus protects speech consisting of consumer commentary that focuses solely on the quality, reliability, or effectiveness of a consumer product, regardless of whether such commentary addresses broader social issues. The quality of goods and services offered to the public is itself a matter of public concern. The FPA protects the dissemination of any information about a product that would be of interest to potential consumers.

Finally, the FPA allows removal to Federal court to be sought by a defendant. Although current law only allows removal when the Federal question appears on the face of a well-pleaded complaint, this rule is only statutory. Congress is well within its power to allow removal of cases that raise a colorable Federal defense.

Two current Federal statutes clearly allow removal by defendants based only on the assertion of a Federal defense. One is 28 U.S.C. § 1442(a), which allows Federal officers, among others, to remove a state civil action or prosecution to federal court. The other is 9 U.S.C. § 205, which allows removal of disputes that appear to be covered by an international arbitration agreement.

Although such a limitation is not stated on the face of section 1442, the Supreme Court has long held that ''federal officer removal must be predicated on the allegation of a colorable federal defense.'' *Mesa* v. *California*, 489 U.S. 121, 129, 1989. *See also id.* at 133–34, which notes that ''an unbroken line of this Court's decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense.''

The most recent Supreme Court pronouncements confirm that 'Article III 'arising under' jurisdiction is broader than federal question jurisdiction under § 1331,'' *Verlinden B.V.* v. *Central Bank of Nigeria*, 461 U.S. 480, 495 (1983), and note that Article III federal-question jurisdiction ''has been construed as permitting Congress to extend federal jurisdiction to any case of which federal law potentially forms an ingredient,'' *Franchise Tax Board* v. *Construction Laborers Vacation Trust*, 463 U.S. 1, 8 n.8 (quoting *Osborn* v. *Bank of the United States*, 9 What. 738, 823 (1824)).

In *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 348–49, 1816, the Supreme Court also noted that

''[t]he judicial power * * * * was not to be exercised exclusively for the benefit of parties who might be plaintiffs, and would elect the national forum, but also for the protection of defendants who might be entitled to try their rights, or assert their privileges, in the same forum,'' and further noting that ''we are referred to the power which it is admitted congress possess to remove suits from state courts to the national courts.''

The Federal-defense-based removal authorized by the FPA is thus well within Congress's constitutional authority.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section summary be printed in the RECORD.

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

S. 3493

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 ''Free Press Act of 2012''.

SEC. 2. SPECIAL MOTION TO DISMISS.

Part VI of title 28, United States Code, is amended by adding at the end the following:

''CHAPTER 182—SPECIAL MOTION TO DISMISS

''Sec.
''4201. Special motion to dismiss.
''4202. Stay of discovery.
''4203. Exceptions for governmental litigation and commercial speech.
''4204. Interlocutory appeal.
''4205. Special motion to quash.
''4206. Removal.
''4207. Fees, costs, and sanctions.

''§ 4201. Special motion to dismiss

''(a) IN GENERAL.—A representative of the news media (as defined in section 552(a)(4) of title 5) may file a special motion to dismiss

any claim asserted against the representative of the news media in a civil action if the claim arises in whole or in part from an oral or written statement or other expression that is on a matter of public concern or that relates to a public official or figure.

''(b) TIME LIMIT.—Unless the court grants an extension, a special motion to dismiss under this section shall be filed—

''(1) not later than 45 days after the date of service of the claim, if the claim is filed in Federal court; or

''(2) not later than 30 days after the date of removal, if the claim is removed to Federal court under section 4206.

''(c) AMENDMENTS.—If a special motion to dismiss is filed under this section as to a claim, the claim may not be amended or supplemented until a final and unappealable order is entered denying the special motion to dismiss.

''(d) BURDENS OF PROOF.—

''(1) MOVING PARTY.—A representative of the news media filing a special motion to dismiss under this section as to a claim shall have the burden of making a prima facie showing that the claim is a claim described in subsection (a).

''(2) NONMOVING PARTY.—If the movant meets the burden described in paragraph (1) for a claim, the party asserting the claim shall bear the burden of proving that the claim is—

''(A) legally sufficient; and

''(B) supported by a prima facie showing, based on admissible evidence, of facts sufficient to sustain a favorable judgment.

''(3) FAILURE TO MEET BURDEN.—If the nonmoving party fails to meet the burden required for a claim under paragraph (2), the claim shall be dismissed with prejudice.

''§ 4202. Stay of discovery

''(a) IN GENERAL.—Except as provided in subsection (b), upon the filing of a special motion to dismiss under section 4201, discovery proceedings in the action shall be stayed until a final and unappealable order is entered on the special motion to dismiss.

''(b) LIMITATION AND EXCEPTION.—

''(1) LIMITATION.—A stay issued under subsection (a) based on the filing of a special motion to dismiss that only seeks dismissal of a third-party claim or a cross claim asserted by a defendant shall only stay discovery that—

''(A) is requested by the party asserting the third-party claim or cross claim; or

''(B) relates solely to the third-party claim or cross claim.

''(2) EXCEPTION.—Upon motion and for good cause shown, a court may order that specified discovery be conducted.

''§ 4203. Exceptions for governmental litigation and commercial speech

''A special motion to dismiss under section 4201 may not be filed as to a claim that—

''(1) is brought by the Federal Government or the attorney general of a State; or

''(2) arises out of a statement offering or promoting the sale of the goods or services of the person making the statement.

''§ 4204. Interlocutory appeal

''An aggrieved party may take an immediate interlocutory appeal from an order granting or denying in whole or in part a special motion to dismiss under section 4201.

''§ 4205. Special motion to quash

''(a) IN GENERAL.—A person whose personally identifying information is sought in connection with a claim that arises in whole or in part from an oral or written statement or other expression that is on a matter of public concern or that relates to a public official or figure, or a person from whom such information is sought in connection with such a claim, may file a special motion to quash the request or order to produce the information.

''(b) BURDENS OF PROOF.—

''(1) MOVING PARTY.—A person filing a special motion to quash a request or order under this section shall have the burden of making a prima facie showing that the request or order is a request or order described in subsection (a).

''(2) NONMOVING PARTY.—If the movant meets the burden described in paragraph (1), the party who made the request or sought the order shall bear the burden of showing that the claim described in subsection (a) is—

''(A) legally sufficient; and

''(B) supported by a prima facie showing, based on admissible evidence, of facts sufficient to sustain a favorable judgment.

''(3) FAILURE TO MEET BURDEN.—If the nonmoving party fails to meet the burden required for a claim under paragraph (2), the request or order to produce the personally identifying information shall be quashed.

''§ 4206. Removal

''(a) SPECIAL MOTION TO DISMISS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a civil action in a State court that raises a claim that colorably appears to be a claim described in section 4201(a) may be removed to the district court of the United States for the district and division embracing the place where the civil action is pending by a party who may file and who seeks to file a special motion to dismiss under section 4201 that asserts a colorable defense based on the Constitution or laws of the United States.

''(2) EXCEPTION.—Removal may not be requested under paragraph (1) on the basis of a third-party claim or a cross claim asserted by a defendant.

''(3) REMAND.—If a civil action is removed under paragraph (1), and a final and unappealable order is entered denying the special motion to dismiss filed under section 4201, the court may remand the remaining claims to the State court from which the civil action was removed.

''(b) SPECIAL MOTION TO QUASH.—

''(1) IN GENERAL.—A proceeding in a State court in which a request or order that colorably appears to be a request or order described in section 4205(a) is sought, issued, or sought to be enforced may be removed to the district court of the United States for the district and division embracing the place where the civil action is pending by a person who may file and who seeks to file a special motion to quash under section 4205 that asserts a colorable defense based on the Constitution or laws of the United States.

''(2) LIMITATION.—If removal is requested under paragraph (1) for a proceeding in which a request or order described in section 4205(a) is sought, issued, or sought to be enforced, and there is no basis for removal of the remainder of the civil action in connection with which the proceeding is brought, or no party has requested removal of the remainder of the civil action, only the proceeding in which the request or order described is section 4205(a) is sought, issued, or sought to be enforced may be removed.

''§ 4207. Fees, costs, and sanctions

''(a) ATTORNEY'S FEES AND COSTS.—Except as provided in subsection (c), a court shall award a person who files and prevails on a special motion to dismiss under section 4201 or a special motion to quash under section 4205 litigation costs, expert witness fees, and reasonable attorney's fees.

''(b) FRIVOLOUS MOTIONS OR PETITIONS.—Except as provided in subsection (c)(1), if a court finds that a special motion to dismiss under section 4201, a special motion to quash under section 4205, or a notice of removal under section 4206 is frivolous or is solely intended to cause unnecessary delay, the court may award litigation costs, expert witness fees, and reasonable attorney's fees to the party that responded to the motion or notice.

''(c) EXCEPTIONS.—

''(1) GOVERNMENTAL ENTITIES.—The Federal Government and the government of a State, or political subdivision thereof, may not recover litigation costs, expert witness fees, or attorney's fees under this section.

''(2) NOVEL LEGAL QUESTIONS.—A court may not award litigation costs, expert witness fees, or attorney's fees under subsection (a) if the grant of the special motion to dismiss under section 4201 or the special motion to quash under section 4205 depended on the resolution of a novel or unsettled legal question in favor of the movant.''.

SEC. 3. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act or the amendments made by this Act shall preempt or supersede any Federal or State statutory, constitutional, case, or common law that provides the equivalent or greater protection for persons engaging in activities protected by the First Amendment to the Constitution of the United States.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

''182. Special motion to dismiss ..... 4201''.

(b) INTERLOCUTORY APPEALS.—Section 1292(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(4) Interlocutory orders granting or denying in whole or in part special motions to dismiss under section 4201.''.

(c) NONDISCHARGABILITY OF FEES AND COSTS.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (18), by striking ''or'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (19) the following:

''(20) for litigation costs, expert witness fees, or reasonable attorney's fees awarded by a court under chapter 182 of title 28 or under comparable State laws.''.

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall—

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

(2) apply to a claim filed on or after the date of enactment of this Act.

(b) CLAIMS FILED BEFORE ENACTMENT.—For a claim that was filed before and is pending on the date of enactment of this Act—

(1) this Act and the amendments made by this Act shall apply to the claim if the court with original jurisdiction of the claim has not entered a judgment on the merits as to the claim as of the date of enactment of this Act; and

(2) for a claim described in paragraph (1), the periods under sections 4201 and 1446 of title 28, United States Code, as amended by this Act, shall begin on the date of enactment of this Act.

FREE PRESS ACT: SECTION-BY-SECTION SUMMARY

Section 4201. Special Motion to Dismiss. A ''representative of the news media'' (as defined in FOIA) may file a special motion to dismiss a legal claim arising out of speech on

a matter of public concern or that relates a public official or figure. Once the motion is properly brought, the nonmovant must show that the lawsuit is supported by a prima facie showing of facts sufficient to sustain a favorable judgment. If the nonmovant fails to meet this burden, the lawsuit is dismissed with prejudice.

Section 4202. Stay of Discovery. Upon filing of the special motion to dismiss, discovery is stayed absent good cause shown. If the motion is filed with respect to a cross claim or third-party claim, discovery is stayed only with respect to that claim. (This exception is made to prevent defendants from using the special motion to dismiss to affect litigation in which the complaint does not assert claims arising out of speech on public issues.)

Section 4203. Governmental Litigation and Commercial Speech Exceptions. A special motion to dismiss may not be brought against a claim that is brought by the Federal government or a State Attorney General, or that arises out of speech offering or promoting the sale of the speaker's goods or services.

Section 4204. Interlocutory Appeal. Either side may bring an immediate appeal of the denial or grant of a special motion to dismiss.

Section 4205. Special Motion to Quash. A party may move to quash a request to obtain the personally identifying information of a person that is made in relation to a legal claim arising out of speech on public issues. (E.g., a company seeks discovery from an ISP of the identity of persons posting unfavorable comments about the company's goods or services on a blog.) If the motion to quash is properly brought, the nonmovant must show that the legal claim is supported by a prima facie showing of facts sufficient to sustain a favorable judgment. If the nonmovant fails to meet this burden, the request for personally identifying information is quashed.

Section 4206. Removal. A state-court claim arising out of speech on public issues may be removed to federal court by a party that intends to file a special motion to dismiss the claim. Removal may not be requested on the basis of a cross claim or third-party claim. (This exception is made to prevent defendants from removing cases in which the complaint does not assert claims arising out of speech on public issues.) A proceeding to enforce discovery requesting personally identifying information may also be removed, but removal is limited to the discovery-enforcement proceeding.

Section 4207. Fees, Costs, and Sanctions. A party that prevails on a special motion to dismiss or quash shall be entitled to reasonable attorneys fees and costs. Frivolous motions to dismiss or quash or remove shall be subject to sanctions. Fees may not be recovered by the government, or in cases that turn on the resolution of a novel legal question.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3496. A bill to amend title XVIII of the Social Security Act to permit direct payment to pharmacies for certain compounded drugs that are prepared by the pharmacies for a specific beneficiary for use through an implanted infusion pump; to the Committee on Finance.

Mr. COCHRAN. Mr. President, on May 13, 2011, the Centers for Medicare and Medicaid Services issued Change Request 7397 to stop compounding pharmacies that prepare medications used in implanted infusion pumps from billing Medicare directly for these services. This was an attempt to reverse a policy that has been permissible in several States for over 20 years. Since then, I have worked with Senator WICKER and other Members of Congress to delay the implementation of this change until its effects have been fully considered.

This policy change has been met with opposition from pharmacies, physicians, and patients. In Mississippi, pharmacies are prohibited from selling infused pain medications to physicians, which would result in decreased access to effective treatments for chronic pain disorders. While this is a particular issue in my State, this policy change will have serious implications across the Nation.

The Centers for Medicare and Medicaid Services has worked with us over the past year to delay this policy change and to propose a rule that is now receiving comments. However, CMS officials have continued to demonstrate a lack of understanding about the potential consequences of changing payment policy. We should protect practices that have been effective in treating patients and support those who supply drugs necessary for the well-being of patients. This bill would explicitly allow compounding pharmacies to bill Medicare directly for their services in the interest of helping patients continue to receive the quality care they deserve.

By Mr. REID (for himself and Mr. MCCONNELL):

S. 3510. A bill to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3510

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

SECTION 1. EFFECTIVE DATE DELAY.

The STOCK Act (Public Law 112–105) is amended—

(1) in section 8(a)(1), by striking ''August 31, 2012'' and inserting ''September 30, 2012''; and

(2) in section 11(a)(1), by striking ''August 31, 2012'' and inserting ''September 30, 2012''.

SEC. 2. IMPLEMENTATION OF PTR REQUIREMENTS UNDER STOCK ACT.

Effective September 30, 2012, for purposes of implementing subsection (l) of section 103 of the Ethics in Government Act of 1978 (as added by section 6 of the STOCK Act, Public Law 112–105) for reporting individuals whose reports under section 101 of such Act (5 U.S.C. App. 101) are required to be filed with the Clerk of the House of Representatives, section 102(e) of such Act (5 U.S.C. App. 102(e)) shall apply as if the report under such subsection (l) were a report under such section 101 but only with respect to the transaction information required under such subsection (l).

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. MCCONNELL, Mr. KOHL, Mr. PORTMAN, Ms. LANDRIEU, Mr. BOOZMAN, Mr. MANCHIN, Mr. BLUNT, Mr. WARNER, Mr. JOHNSON of Wisconsin, Mr. PRYOR, Mr. MORAN, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. NELSON of Nebraska, Mr. TOOMEY, Mr. NELSON of Florida, Mr. GRAHAM, Mr. CASEY, Mr. THUNE, Mr. WEBB, and Mr. HATCH):

S. 3512. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; to the Committee on Environment and Public Works.

Mr. HOEVEN. Mr. President, I rise today to introduce legislation on another matter, important energy legislation for our country. I am today introducing the Hoeven-Conrad-Baucus Coal Ash Recycling and Oversight Act of 2012.

In my home State of North Dakota there is a large powerplant just north of the State capital in Bismarck. It is a coal creek power station. Now this power station generates 1,100 megawatts of electricity every year. There are two 550 megawatt plants. It has the latest, greatest technology emission control and clean coal technology. They capture the steam that was formally exhausted from the plant. They capture that steam and use it to run an ethanol plant. They produce transportation fuel with steam, a byproduct of the electric generation process.

One of the other things they do, instead of land filling the coal ash, fly ash, or coal residuals, they recycle. So, in essence, they take that coal ash—they work with a natural resource company, Headwaters, based out of Utah, and they turn the coal ash into a concrete product, FlexCrete. It is used to make roads, bridges, buildings, and also products like shingles. They make building materials.

So whereas they used to take about 600,000 tons a year of coal residuals and coal ash flash and landfill it, and it costs $6 a ton or so to landfill it, now they take that 600,000 tons a year of fly ash and residuals and turn it into building products.

The difference instead of paying to dispose of something and now being paid to recycle something is about a $16 million a year revenue item for that plant. That means lower cost for electricity for businesses in States such as the great State of North Dakota and the great State of Minnesota and other States as well. It truly benefits our consumers, our families, and our economy. It benefits small businesses throughout the upper Midwest. So it is truly a great example of American ingenuity and innovation.

In fact, I have a picture right here. This is the North Dakota Heritage Center. Right now there is a $50 million expansion being constructed in that Heritage Center which is located on the capital grounds in Bismarck. It is a $50 million expansion. They are using building materials made of coal ash for this facility. That is what it is going to look like after they do this $50 million expansion.

Let me give another example. This is the National Energy Center of Excellence at Bismarck State College. It is a 2-year college that trains people for the energy industry. It is located right above the Missouri River. This beautiful window overlooks the Missouri River. Again this is a building constructed with building materials made of fly ash. We can see how this product is being used and how effectively this is being used.

As a matter of fact, if we look nationwide, by recycling coal ash we reduce energy consumption by 162 trillion Btus every year. That is the amount of energy we would use to 1.7 million homes in a year. It is pretty substantial energy savings. Or measure it in terms of water use. By recycling coal ash, we reduce water usage by 32 billion gallons annually. That is about one-third of the total amount of water that the State of California uses in a year.

Why do I tell the story? Because right now the EPA is looking at changing the regulation of coal ash. They are looking at changing the regulation of coal ash to doing it under subtitle C of the Resource Conservation and Recovery Act. The problem is that is the hazardous waste section. Right now coal ash is regulated under subtitle D of the Resource Conservation and Recovery Act, which is the nonhazardous waste section. The EPA is looking at making that change in spite of the fact that the Department of Energy, the Federal Highway Administration, State regulatory agencies, and the EPA itself have done studies, and those studies have shown that is not a toxic waste.

The EPA first proposed this new regulation in June of 2010. This regulation would truly undermine the industry, drive up costs, and eliminate jobs when our economy can least afford it. In fact, according to industry estimates, it would increase electricity costs by up to almost $50 billion annually and eliminate 300,000 American jobs.

Let me elaborate. Meeting the regulatory disposal requirements under the EPA's subtitle C proposal would cost between $250 and $450 per ton as opposed to about $100 per ton under the current system. That would translate into $47 billion in terms of burden on electricity generators that use coal and, of course, most importantly, their customers who would see their bills increased. As I said, overall it would cost about 300,000 American jobs for our economy.

That is why I am introducing the Hoeven-Conrad-Baucus Recycling and Oversight Act, which is S. 3512, and it has very strong bipartisan support. It is truly a bipartisan bill, including 12 Republican sponsors and 12 Democratic sponsors. The Republican sponsors include myself, Senator MCCONNELL, Senator PORTMAN, Senator BOOZMAN, Senator BLUNT, Senator RON JOHNSON, Senator MORAN, Senator ALEXANDER, Senator TOOMEY, Senator GRAHAM, Senator THUNE, and Senator HATCH. The Democratic cosponsors include Senator CONRAD, Senator BAUCUS, Senator KOHL, Senator LANDRIEU, Senator MANCHIN, Senator WARNER, Senator PRYOR, Senator MCCASKILL, Senator BEN NELSON, Senator BILL NELSON, Senator CASEY, and Senator WEBB. I wish to thank them for their willingness to join together in a bipartisan way—12 Republicans, 12 Democrats—coming together to provide the kind of energy legislation that is going to truly help move this country forward, empowering not only more energy development but better environmental stewardship.

This legislation is similar to H.R. 2273, which was sponsored by Representative DAVID MCKINLEY of West Virginia in the House, and it passed the House with strong bipartisan support. This legislation is very similar. We have made some enhancements, but it is very similar.

The bill not only preserves coal ash recycling by preventing these by-products from being treated as hazardous, it also establishes—and this is important because it is also about good environmental stewardship—it also establishes comprehensive Federal standards for coal ash disposal. Under this legislation, States can set up their own permitting program for the management and the disposal of coal ash. These programs would be required to be based on existing EPA regulations that protect human health and the environment. If a State does not implement an acceptable permitting program, then EPA regulates the program for the State. As a result, States and industry will know where they stand under the bill, since the benchmarks for what constitutes a successful State program will be set in statute. EPA can say yes, the State does meet those standards, or no, it does not, but the EPA cannot move the goalposts.

This is a States-first approach that provides regulatory certainty. Let me repeat that. This is a States-first approach that provides regulatory certainty, and it is that regulatory certainty we need to stimulate private investment that will deploy the new technologies that will not only produce more energy but will produce better environmental stewardship.

What is certain is that under this bill, coal ash disposal sites will be required to meet established standards. Those established standards include groundwater detection and monitoring, liners, corrective action when environmental damage occurs, structural stability criteria, and the financial assurance and recordkeeping needed to protect the public.

This legislation is needed to protect jobs and help reduce the cost of homes and roads as well as to help reduce electric bills.

I wish to thank both Republicans and Democrats who have taken a leadership role in this effort as original sponsors of the legislation. I especially wish to express thanks to my fellow Senator from North Dakota, Mr. CONRAD, as well as Senator BAUCUS of Montana and their staffs for the hard work that has gone into this legislation. I urge our colleagues to join us in this important energy legislation.

By Mr. REED:

S. 3513. A bill to promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Family Self-Sufficiency Act.

The Family Self Sufficiency, FSS, program is an existing employment and savings incentive initiative for families that have section 8 vouchers or live in public housing. The FSS program provides two key tools for its participants: first, it provides access to the resources and training that help participants pursue employment opportunities and meet financial goals, and second, it encourages FSS families to save by establishing an interest-bearing escrow account for them. Upon graduation from the FSS program, the family can use these savings to pay for job-related expenses, such as the purchase or maintenance of a car or for additional workforce training.

My legislation seeks to enhance the FSS program by streamlining the administration of this program, by broadening the supportive services that can be provided to a participant, and by extending the FSS program to tenants who live in privately-owned properties with project-based assistance.

First, to streamline the FSS program, my bill would combine the two separate FSS programs into one. Currently, HUD operates one FSS program for those families being served by the Housing Choice Voucher Program and another for those families being served by the Public Housing program, even though the core purpose of each FSS program, to increase economic independence and self-sufficiency, is the same for both. As a result, Public Housing Agencies, PHAs, have to operate essentially two programs to achieve the same goal. With my bill, PHAs would be relieved of this unnecessary burden.

Second, my legislation broadens the scope of the supportive services that may be offered to include attainment

of a GED, education in pursuit of a post-secondary degree or certification, and training in financial literacy. Providing families in need with affordable rental housing is critical, but coupling it with the support and services to help families get ahead is more effective. This legislation makes it easier for FSS participants to obtain the training necessary to secure employment and the education to make prudent financial decisions to better safeguard their earnings.

Lastly, this bill opens up the FSS program to families who live in privately-owned properties subsidized with project-based rental assistance. It shouldn't matter what kind of housing assistance a family gets, and families seeking to achieve self-sufficiency shouldn't be held back by this sort of technicality.

I urge my colleagues to support this bill, which will help give those receiving housing assistance a better chance to build their skills and achieve economic independence.

By Ms. SNOWE:

S. 3516. A bill to encourage spectrum licenses to make unused spectrum available for use by rural and smaller carriers in order to expand wireless coverage; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to help expand wireless broadband to rural areas. Specifically, the Rural Spectrum Accessibility Act would direct the Federal Communications Commission, FCC, establish a program that would provide an incentive, a three year extension to a spectrum license, to wireless carriers that make available, through partitioning and disaggregation, unused spectrum to smaller carriers or carriers serving rural areas.

As the FCC National Broadband Plan reports ''most areas without mobile broadband coverage are in rural or remote areas.'' This legislation would provide an additional incentive to increase wireless broadband to these areas and make more spectrum available to smaller and rural wireless carriers through secondary market mechanisms.

This bill is loosely based on a wireless carrier's existing program, which creates a partnership with rural carriers to build and operate Long Term Evolution, LTE, wireless networks in rural areas. Through the cooperation the carrier provides spectrum and core network equipment and the rural carrier supplies the cell towers and backhaul.

The Rural Spectrum Accessibility Act is an effort to get other large carriers to implement similar initiatives to create more opportunities for the smaller and rural carriers. It should be noted the FCC actually already has partitioning and disaggregation rules, see 47 C.F.R. 22.948, this legislative proposal just provides a simple but attractive incentive for carriers to utilize them.

The main goal of this legislation is to provide another catalyst to expand next generation, 4G, Wireless broadband service to rural areas, which will mean more reliable service, more innovation, and more choice to rural consumers and businesses.

The increasing importance of wireless communications and broadband has a direct correlation to our Nation's competitiveness, economy, and national security. We must reform existing spectrum policy and management to ensure that all Americans continue to realize the boundless benefits of wireless broadband. Congress has taken some steps but more can and must be done. That is why I sincerely hope that my colleagues join me in supporting this important legislation.

By Mr. WYDEN:

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; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the Fair Trade in Seafood Act.

Right now, our country is proud to be a world leader in the fishing and seafood processing industries. We rank among the world's top five exporters of seafood, and its largest importer. However, the U.S. seafood industry faces many challenges on the global stage from unfair competition. The Congress should be doing everything it can to make sure we retain our status as global leader. That is why I am introducing the Fair Trade in Seafood Act. This bill will establish this issue as a Principal Negotiating Objective of the United States in the ongoing Trans-Pacific Partnership and World Trade Organization talks.

Why is this bill important? According to the United Nations Food and Agricultural Organization, 85 percent of the world's fisheries are fully exploited, overexploited, depleted, or recovering from depletion—the highest percentage since the Food and Agricultural Organization began keeping records.

Many governments continue to provide significant subsidies that push their fleets to fish longer, more intensively, and farther away than otherwise would be possible. These destructive fisheries subsidies are estimated to be at least $16 billion annually, an amount equivalent to approximately 20 percent of the value of the world catch. The detrimental effects of these illegal subsidies are so significant that eliminating them is the single greatest action that can be taken to protect the world's oceans.

In contrast to these nefarious actors, the U.S. does not just talk about the importance of sustainable fishing practices and marine conservation. We are practicing what we preach. That means enforcing regulations and changing old, counterproductive, destructive habits. Our seafood industry is stronger because of it. At the same time, our market is open. In my view, this is the way every country ought to run its seafood industry. Our foreign trading partners, as I mentioned, often support practices that can cause long-term harm to marine habitat. In addition, our trading partners put up trade barriers that prevent sustainably caught U.S. seafood from reaching foreign consumers. These are practices that skew the playing field in a competitive marketplace. They skew the playing field against American fishers and give foreign competitors a huge advantage in an industry that depends on global trade. Forty percent of global fishery products are traded internationally, and seafood is more globally sourced than coffee, rice, and tea combined.

These harmful foreign trade barriers and practices that encourage overfishing are top priorities that need to be addressed. These foreign trade barriers harm our country's ability to create good-paying jobs. Preserving the wealth of the world's marine environment is of paramount importance. The U.S. seafood industry represents a major portion of our economy, employing over 1.5 million workers in the commercial sector alone. The commercial seafood industry has a significant presence in over 23 States and is an industry and, in fact, a way of life, a way of life that binds communities and stitches together the regions of our country. The seafood sector employs more people than the mining or oil industries.

It is also a foundation of our economy because, without fish, there are no jobs. Preserving the wealth of our oceans and rivers is an economic imperative as much as a moral one. That is why I urge my colleagues to cosponsor the Fair Trade in Seafood Act.

In short, this Act will codify an official trade negotiating objective of the United States with respect to government fisheries subsidies. More specifically, the negotiating objective will be to eliminate fisheries subsidies provided by governments that unfairly destroy markets to the detriment of the United States commercial fishing interests and that perpetuate unsustainable fishing practices. The bill aims to ensure that any commitments with respect to such subsidies are enforceable under appropriate trade laws. This negotiating objective will apply to any trade agreement that includes any negotiations relating to the elimination or reduction of government fisheries subsidies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3518

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 ''Fair Trade in Seafood Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations, 85 percent of the world's fisheries are overexploited, fully exploited, significantly depleted, or recovering from overexploitation, the highest percentage ever on record.

(2) A primary reason for the global fisheries crisis is government subsidies that create perverse incentives for continued fishing in the face of declining catches.

(3) Despite the dire conditions of the world's marine resources, some of the countries that engage in the most fishing continue to provide significant subsidies to their fishing fleets.

(4) Fisheries subsidies are estimated to be approximately 20 percent of the value of the world catch and have helped create a global fishing fleet that is up to 250 percent larger than that needed to fish sustainably.

(5) Many long-range foreign fleets are supported by government subsidies for fuel, other operational expenses, and vessel construction that allow their fleets to fish longer, at greater distances, and more intensively than is commercially or environmentally warranted. Those fleets would not be viable without the support of government subsidies.

(6) Many developing countries are particularly affected by fisheries subsidies provided by other governments because the developing countries are unable to compete against subsidized industrial fleets.

(7) Fisheries subsidies offered by the governments of other countries give the fleets of those countries an unfair advantage over United States fishermen by reducing the costs of operations and increasing the number, size, and power of vessels competing for fish. Foreign fisheries subsidies also undermine opportunities for United States fishermen in potential export markets.

(8) Without committed global leadership to reduce ''overfishing subsidies'', there is a significant risk that the oceans will become too depleted to fish, resulting in a catastrophic blow to the world economy and environment.

(9) As one of the world's largest importers of seafood and one of the top five exporters of seafood, the United States has a particular responsibility to lead trade negotiations to address fisheries subsidies and make the establishment of strong new rules on fisheries subsidies a core priority in United States trade negotiations.

(10) Paragraphs 28 and 31 of the Ministerial Declaration of the World Trade Organization adopted at Doha November 14, 2001, which launched the Doha Development Agenda, called for negotiations to clarify and improve disciplines on trade-distorting government fisheries subsidies.

(11) Paragraphs 9 through 11 of Annex D of the Ministerial Declaration of the World Trade Organization adopted at Hong Kong December 18, 2005, reinforced the Doha fisheries subsidies mandate, noting that ''there is broad agreement that the Group should strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing'' and calling on ''Participants promptly to undertake further detailed work to, *inter alia*, establish the nature and extent of those disciplines, including transparency and enforceability''.

(12) The negotiations on fisheries subsidies in the World Trade Organization and negotiations for the Trans-Pacific Partnership Agreement are two of the most important, and promising, international efforts to stop global overfishing and represent meaningful efforts to directly address a key environmental issue that directly impacts international trade.

(13) On November 12, 2011, the leaders of the 9 countries in negotiations for the Trans-Pacific Partnership Agreement—Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States—announced the achievement of the broad outlines of an ambitious, 21st-century agreement. According to a statement released by those leaders, the agreed outline calls for ''[a] meaningful outcome on environment [that] will ensure that the agreement appropriately addresses important trade and environment challenges and enhances the mutual supportiveness of trade and environment. The TPP countries share the view that the environment text should include effective provisions on trade-related issues that would help to reinforce environmental protection and are discussing an effective institutional arrangement to oversee implementation and a specific cooperation framework for addressing capacity building needs.''. Various proposals, including a proposal by the United States, to bring disciplines to government-subsidized fishing are under active discussion as part of the negotiations on the environment chapter of the Trans-Pacific Partnership Agreement.

(14) The United States continues to make achievement of an agreement on disciplines on government fisheries subsidies a priority in negotiations in the World Trade Organization and for the Trans-Pacific Partnership Agreement. On December 16, 2011, at the Eighth Ministerial Conference of the World Trade Organization in Geneva, the United States Trade Representative issued a statement urging ''continued work toward an ambitious outcome on fisheries subsidies under the WTO''. Noting the acute impact of declining catches on developing countries, the Trade Representative further stated, ''We stand ready to explore new negotiating approaches that can move us towards the elimination of harmful subsidies that contribute to overcapacity and overfishing. . . . WTO Members have a duty to address one of the root causes of overfishing and overcapacity—the fisheries subsidies that encourage fishing enterprises to fish longer, harder, and farther than would otherwise be sustainable without subsidy aid. . . . The United States is ready to continue this work in the WTO and in other appropriate fora—including free trade agreements such as the Trans-Pacific Partnership and other bilateral, regional and multilateral initiatives.''.

(15) A strong fisheries subsidies agreement by the World Trade Organization and in the Trans-Pacific Partnership Agreement would set an historic precedent by showing that international trade can directly benefit the environment while promoting exports and open markets.

SEC. 3. TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES WITH RESPECT TO GOVERNMENT FISHERIES SUBSIDIES.

It shall be a principal negotiating objective of the United States in negotiations for a trade agreement—

(1) to eliminate fisheries subsidies provided by governments that unfairly distort markets to the detriment of United States commercial fishing interests and that perpetuate unsustainable fishing practices; and

(2) to ensure that any commitments with respect to such subsidies are enforceable under appropriate trade laws.

SEC. 4. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act and applies with respect to negotiations for a trade agreement that—

(1) include any negotiations relating to the elimination or reduction of government fisheries subsidies; and

(2) are entered into—

(A) on or after such date of enactment; or

(B) before such date of enactment if the negotiations continue on or after such date of enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 541—CONDEMNING THE GOVERNMENT OF VIETNAM FOR HUMAN RIGHTS VIOLATIONS

Mr. CORNYN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 541

Whereas Vietnam is an authoritarian state ruled by the Communist Party of Vietnam, which continues to deny the right of the people of Vietnam to participate in free and fair elections;

Whereas, according to the 2012 annual report of the United States Commission on International Religious Freedom, ''Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam was removed from the CPC [countries of particular concern] list and joined the World Trade Organization in 2007.'';

Whereas, according to the Department of State's most recent Country Reports on Human Rights Practices, published on May 24, 2012 (in this resolution, the ''DOS Human Rights Report''), the most significant human rights issues in Vietnam ''were severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police'';

Whereas, according to the DOS Human Rights Report, the Government of Vietnam ''reportedly held more than 100 political detainees at year's end, although some international observers claimed there were more. . . Diplomatic sources reported the existence of four reeducation centers in the country holding approximately 4,000 prisoners'';

Whereas, according to the DOS Human Rights Report, Vietnam's Ministry of Public Security ''maintains a system of household registration and block wardens to monitor the population,'' while ''credible reports suggested that local police used 'contract thugs' and 'citizen brigades' to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security'';

Whereas, on April 8, 2006, the pro-democracy movement Bloc 8406 was founded in Vietnam, and it has since attracted thousands of supporters calling for respect for basic human rights, the establishment of a multiparty political system, and guarantees of freedom of religion and political association;

Whereas, according to the DOS Human Rights Report, the Government of Vietnam ''continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted,'' and ''the government continued to crack down on the small, opposition political groups established in 2006, and group members faced arrests and arbitrary detentions'';

Whereas, according to the DOS Human Rights Report, ''[t]here continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial. Human rights lawyers were restricted, harassed, arrested, disbarred, and in some cases detained for representing political activists,'' while ''given their previous convictions, lawyers Le Tran Luat, Le Thi Cong Nhan, and Le Quoc Quan were not permitted to practice law'';

Whereas, on April 4, 2011, the Hanoi People's Court sentenced attorney Cu Huy Ha Vu to seven years in prison for defending victims of land confiscation and abuse of power, including the Catholic villagers of Con Dau who refused to sell or vacate land, including a 135-year-old religious burial site, and in August and November 2011, Vu's appeals were unsuccessful;

Whereas, although the constitution of Vietnam provides for freedom of religion, Vietnamese law requires official recognition or registration for religious groups, which has been used to monitor and restrict the operations of religious organizations;

Whereas the 2012 Annual Report of the United States Commission on International Religious Freedom (USCIRF) lists Vietnam as one of the ''world's worst religious freedom violators,'' recommending that the Secretary of State name Vietnam a ''country of particular concern'' with respect to religious freedom, noting that ''the Government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority'' and that ''individuals continue to be imprisoned or detained for reasons relating to their religious activity or religious freedom advocacy'' while ''independent religious activity remains illegal'';

Whereas, according to the USCIRF report, between April 2011 and February 2012, ''as many as 27 individuals were arrested or disappeared in Vietnam for their religious affiliations, religious activities, or peaceful protest of religious freedom restrictions, among them Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners'';

Whereas hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in Vietnam's Central Highlands, while, according to Human Rights Watch, in 2010, as many as 70 additional people were detained in the Central Highlands for conducting ''illegal'' religious services;

Whereas the Unified Buddhist Church of Vietnam is the country's largest religious organization, yet according to the USCIRF, it ''has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights'';

Whereas, in July 2011, Father Nguyen Van Ly, who has been imprisoned numerous times for his religious freedom and human rights advocacy, but had been granted medical parole in March 2010 after suffering several strokes in prison that left him partially paralyzed, was returned to prison to serve the remainder of his eight-year sentence;

Whereas on January 6, 2011, Christian Marchant, a United States diplomat at the United States Embassy in Hanoi, was beaten by Vietnamese police when he went to visit Father Ly, who was then under house arrest;

Whereas, according to the USCIRF report, over a dozen religious leaders are being held under long-term house arrest orders, including Unified Buddhist Church of Vietnam (UBCV) leader Thich Quang Do and other UBCV leaders, Catholic Father Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite Leader Nguyen Thi Hong;

Whereas Reporters Without Borders' 2011-2012 Press Freedom Index ranks Vietnam last in Southeast Asia with regard to freedom of the press, and 172 out of 179 countries overall;

Whereas, in September 2007, Vietnamese bloggers established the Club of Free Journalists to promote freedom of expression and independent journalism and were quickly faced with harassment, intimidation, and detention by authorities in Vietnam, beginning with the arrest of Nguyen Van Hai in April 2008;

Whereas, on October 30, 2010, while in Hanoi, Vietnam, Secretary of State Hillary Clinton said, ''[T]he United States remains concerned about the arrest and conviction of people for peaceful dissent, the attacks on religious groups, the curbs on Internet freedom, including of bloggers. Vietnam has so much potential, and we believe that political reform and respect for human rights are an essential part of realizing that potential.'';

Whereas, on November 10, 2011, Secretary of State Clinton stated, ''We support not only open economies but open societies . . . we have made it clear to Vietnam that if we are to develop a strategic partnership, as both nations desire, Vietnam must do more to respect and protect its citizens' rights''; and

Whereas, on February 2, 2012, Assistant Secretary of State Kurt M. Campbell stated that ''for the United States and Vietnam to go to the next level it will require some significant steps on the part of Vietnam to address . . . human rights concerns . . . but also more systematic challenges associated with freedom of expression, freedom of organization,'' explaining that ''progress in these areas will be essential to have the appropriate level of support in the United States that will sustain a deeper engagement between our two countries'': Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the commitment of the United States to democracy, human rights, civil liberties, and rule of law, including the universal rights of freedom of assembly, freedom of speech, freedom of religion, and freedom of association;

(2) strongly condemns the ongoing and egregious human rights violations committed by the Government of Vietnam against the Vietnamese people;

(3) urges the President, Secretary of State, and all other appropriate United States Government officials to ensure that relations between the United States and Vietnam continue to include robust discussion on the troubling human rights record of the Government of Vietnam;

(4) encourages the Secretary of State to place Vietnam on the list of ''Countries of Particular Concern'' with regard to religious freedom pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)) in order to highlight abuses of religious freedom in Vietnam and encourage improvement in the respect for human rights in Vietnam; and

(5) urges the President, Secretary of State, and other world leaders to publicly support the human rights of the people of Vietnam and to call on the President of Vietnam to—

(A) release all political and religious prisoners, including all those imprisoned or detained on account of their advocacy for democracy, religious freedom, and other human rights;

(B) revise or repeal ordinances and decrees that limit freedom of expression, assembly, association, or religion; and

(C) implement all necessary legal and political reforms to protect these rights.

SENATE RESOLUTION 542—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES GOVERNMENT SHOULD CONTINUE TO SUPPORT DEMOCRACY AND HUMAN RIGHTS IN TAIWAN FOLLOWING THE JANUARY 2012 PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN TAIWAN

Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 542

Whereas, for many years, Taiwan has been a strong and cooperative partner of the United States;

Whereas the 1979 Taiwan Relations Act (22 U.S.C. 3301 et seq.), the cornerstone of United States-Taiwan relations, declares that ''the preservation and enhancement of the human rights of all the people of Taiwan are hereby reaffirmed as objectives of the United States'';

Whereas, since the lifting of martial law in 1987, the people of Taiwan have amply demonstrated their desire for democratic governance, as well as their commitment to human rights, civil liberties, and the rule of law;

Whereas, since their first democratic presidential election in 1996, the people of Taiwan have conducted four more presidential elections, as well as successive elections for members of their national legislature, numerous local elections, and two national referendums;

Whereas Taiwan conducted its latest presidential and legislative elections on January 14, 2012;

Whereas, on January 14, 2012, Mr. Ma Ying-jeou, the incumbent and the nominee of the Chinese Nationalist Party (KMT), was reelected as the President of Taiwan with 51.6 percent of the vote, while in the 113-member legislature the KMT won 64 seats, the Democratic Progressive Party (DPP) won 40 seats, and the People's First Party (PFP), the Taiwan Solidarity Union (TSU), and other nonpartisan independent candidates each won 3 seats;

Whereas an international election observation mission made up of 19 observers from 8 countries, invited by the International Committee for Fair Elections in Taiwan (ICFET), observed the January 14, 2012, elections in Taiwan;

Whereas the final report of the mission, made up of observers from Australia, Canada, Denmark, France, Japan, Sweden, the Netherlands, and the United States, was recently presented in Taiwan;

Whereas the final report of the mission included—

(1) a finding that the elections were mostly free but only partly fair;

(2) a finding that the date selected for the election made it more convenient for Taiwan businessmen in China to return for the vote, but made it more difficult for students to return to their home towns to vote, and a recommendation that the household registration system should be changed to allow people to vote where they actually work or study in Taiwan, ending the need to travel long distances to vote;

(3) a finding that vote buying and vote betting remains an issue of concern, and recommendations that stiffer penalties be put in place for candidates who buy votes, such as disqualification from running in future

elections, and that the political parties do more to prevent individual candidates from engaging in vote buying;

(4) a finding that major violations of principles of administrative neutrality during the elections by government officials occurred, and a recommendation that civil service and non-elected offices need to be further de-politicized;

(5) a finding that verified data does not exist on campaign financial resources and expenditures and it seemed likely that campaign spending exceeded campaign finance limits, and recommendations that enforcement and public promotion of campaign spending laws be strengthened and loopholes closed and that the longstanding issue of KMT party assets, including their source, use, and investments be resolved;

(6) a finding that the Government of the People's Republic of China attempted to influence the elections by sending agricultural purchasing missions to southern Taiwan as a sign of support for the sitting President, reducing the number of tourist groups allowed to travel to Taiwan to signal the ability to reduce tourism if the ''wrong candidate'' won, and by discounting flights from China to Taiwan to make it easier for Taiwanese businessmen living in China to return to Taiwan to vote;

(7) a finding that actions and statements by the United States Government and its officials might have influenced the elections, noting that in the three months preceding the election, there were more visits by high-level United States officials to Taipei than during any calendar year in recent history; less than one month before the elections, the Department of State announced Taiwan's candidacy for participation in the visa waiver program; and a senior United States official stated anonymously through the Financial Times that the DPP's presidential candidate Tsai ''left us with distinct doubts about whether she is both willing and able to continue the stability in cross-Strait relations the region has enjoyed in recent years''; and

(8) a finding that media outlets gave preferential treatment to a particular party or candidate based on the outlet's political affiliation;

Whereas Taiwan's native-grown democratic experience serves as a model for countries in the region and around the world aspiring to establish democratic rule;

Whereas Taiwan's free and open society plays a stabilizing role in the Asia Pacific region and is thus conducive to the interests of states of the region, including the United States, in furthering peace, prosperity and stability; and

Whereas the United States remains committed to the continued strengthening and development of democratic institutions in Taiwan, and to ensuring the ability of the people of Taiwan to determine their own future free from outside interference or coercion: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the progress made by the people of Taiwan toward the consolidation of democracy over the past two decades, and commends their enduring commitment to the values of democracy, rule of law, and the protection of human rights;

(2) encourages the people and the Government of Taiwan to take steps to continue to strengthen the protection of democratic values and human rights in their country, including freedom of speech, freedom of assembly, and freedom of the press;

(3) encourages the people and the Government of Taiwan to take into consideration the conclusions and recommendations of international election monitoring missions, including the final International Election Observation Mission (IEOM) report, as they seek to strengthen their democratic practices and human rights protections;

(4) urges the President and Government of the United States to continue to support democracy and human rights in Taiwan;

(5) encourages all outside parties to remain neutral in Taiwan's elections; and

(6) affirms that the future of Taiwan should be resolved peacefully, in accordance with democratic principles, and with the assent of the people of Taiwan.

Ms. MURKOWSKI. Mr. President, I rise to submit a resolution relating to the January 2012, presidential and legislative elections held in Taiwan. On January 14, 2012, Mr. Ma Ying-jeou, the nominee of the Chinese Nationalist Party, KMT, was re-elected as President of Taiwan with 51.6 percent of the vote. The KMT also won 64 seats of the 113-member Legislative Yuan, while the Democratic Progressive Party, DPP, won 40 seats.

Former United States Senator Frank Murkowski participated in an international election observation mission made up of 19 observers from 8 countries. Recently, the mission submitted its final report on the elections, concluding that they were mostly free but only partly fair.

The resolution I am submitting takes note of the mission's final report, and urges the people and government of Taiwan to take the report's findings and recommendations into consideration as they continue their commitment to the values of democracy, the rule of law, and human rights.

SENATE RESOLUTION 543—TO EXPRESS THE SENSE OF THE SENATE ON INTERNATIONAL PARENTAL CHILD ABDUCTION

Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. CARDIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. MERKLEY, Mrs. MURRAY, Mr. RUBIO, Mr. LEAHY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 543

Whereas international parental child abduction is a tragic and common occurrence;

Whereas the abduction of a child by one parent is a heartbreaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;

Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including ''anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior'';

Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of ''betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression'', as well as financial strain while fighting for the return of a child;

Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the ''Hague Abduction Convention'') with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;

Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;

Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;

Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;

Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;

Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;

Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;

Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and

Whereas Japan is the only member of the Group of 7 major industrialized countries that has not ratified the Hague Abduction Convention: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) condemns the unlawful international abduction of all children;

(B) urges countries identified by the United States Department of State as non-compliant or demonstrating patterns of non-compliance with the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this resolution as the ''Hague Abduction Convention'') to fulfill their commitment under international law to expeditiously implement the provisions of the Hague Abduction Convention;

(C) calls on all countries to accede to or ratify the Hague Abduction Convention and to promptly institute measures to equitably and transparently address cases of international parental child abduction; and

(D) calls on all countries that have not acceded to or ratified the Hague Abduction Convention to develop a mechanism for the resolution of current and future cases of international parental child abduction that occur before those countries accede to or ratify the Hague Abduction Convention in order to facilitate the prompt return of children abducted to those countries to the children's countries of habitual residence; and

(2) it is the sense of the Senate that the United States should—

(A) aggressively pursue the return of each child abducted by a parent from the United

States to another country through all appropriate means, consistent with the Hague Abduction Convention, and through extradition, when appropriate, and facilitate access by the left-behind parent if the child is not returned;

(B) take all appropriate measures to ensure that a child abducted to a country that is a party to the Hague Abduction Convention is returned to the country of habitual residence of the child in compliance with the provisions of the Hague Abduction Convention;

(C) continue to use diplomacy to encourage other countries to accede to or ratify the Hague Abduction Convention and to take the necessary steps to effectively fulfill their responsibilities under the Hague Abduction Convention;

(D) use diplomacy to encourage countries that have not acceded to or ratified the Hague Abduction Convention to develop an institutionalized mechanism to transparently and expeditiously resolve current and future cases of international child abduction that occur before those countries accede to or ratify the Hague Abduction Convention; and

(E) review the advisory services made available to United States citizens by the United States Department of State, the United States Department of Justice, and other United States Government agencies—

(i) to improve the prevention of international parental child abduction from the United States; and

(ii) to ensure that effective and timely assistance is provided to United States citizens who are parents of children abducted from the United States and taken to foreign countries.

SENATE RESOLUTION 544—CONGRATULATING THE NAVY DENTAL CORPS ON ITS 100TH ANNIVERSARY

Mr. MANCHIN (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas on August 22, 1912, Congress passed an Act recognizing Navy dentistry as a distinct branch among naval medical professions;

Whereas in the last century, the Navy Dental Corps has supported the Navy by sustaining Sailor and Marine readiness and providing routine and emergency dental care, ashore and afloat, in peace and in war;

Whereas the Navy Dental Corps works continuously to improve the health of Sailors, Marines, and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and treatment;

Whereas the Navy Dental Corps endeavors to improve oral health worldwide by participating in the spectrum of military combat, peacekeeping, and humanitarian operations and exercises;

Whereas the Navy Dental Corps, in collaboration with national and international dental organizations, promotes dental professionalism and quality of care;

Whereas the Navy Dental Corps supports the mission of the Federal dental research program and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Navy Dental Corps recognizes the importance of continuing professional dental education, requiring and supporting specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Navy Dental Corps on its 100th anniversary;

(2) commends the Navy Dental Corps for working to sustain the dental readiness and the oral health of a superb fighting force; and

(3) recognizes the thousands of dentists who have served in the Navy Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families.

SENATE RESOLUTION 545—COMMEMORATING THE 75TH ANNIVERSARY OF AIR FORCE WEATHER

Mr. JOHANNS (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas the United States Army Air Corps assumed responsibility for military weather services on July 1, 1937, beginning a legacy of superior service to Army and Air Force commanders for the next 75 years;

Whereas the United States Army Air Forces activated the Weather Wing on April 14, 1943, in time to provide General Dwight D. Eisenhower with reports and forecasts vital to the success of Operation Overlord, the reentry of the Allies into Europe against resistance from German occupation forces, and subsequent operations in Europe and the Pacific;

Whereas 68 personnel from the Weather Wing lost their lives in World War II;

Whereas the Weather Wing was redesignated as the Army Air Forces Weather Service in 1945, and the Air Weather Service in 1946;

Whereas, in July of 1947, the Air Weather Service became a part of the newly formed United States Air Force with a mission to support both the Army and Air Force;

Whereas, in 1948, the Air Weather Service issued its first tornado warning;

Whereas the Air Weather Service provided critical reports and forecasts to commanders, planners, and aircrews in support of the Berlin Airlift, enabling the successful efforts to stare down Premier of the Soviet Union Joseph Stalin in the first major confrontation of the Cold War;

Whereas the Air Weather Service has participated in every military operation from operations in Vietnam to Iraq and Afghanistan;

Whereas the Air Weather Service was reorganized into a field operating agency on April 1, 1991, reporting directly to the Air Staff;

Whereas, on October 15, 1997, the Air Weather Service was redesignated as the Air Force Weather Agency and subsequently headquartered at Offutt Air Force Base, Nebraska;

Whereas, in June 2008, construction was completed on a new 188,000-square-foot headquarters building for the Air Force Weather Agency at Offutt Air Force Base;

Whereas the civilian community surrounding Offutt Air Force Base fully recognizes the tremendous dedication and contributions of the personnel stationed at Offutt Air Force Base to the global fighting force, and likewise, base personnel express constant praise and appreciation to the civilian community for its outstanding support;

Whereas, in close cooperation with the National Weather Service, Air Force Weather has supported a wide variety of missions from its base in Nebraska, including space launches and solar observation; and

Whereas Air Force Weather has continued to produce timely, accurate, and continuous weather information to locate targets in any battle around the world or in space: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of Air Force Weather and its prominent role in national security;

(2) remembers the immeasurable contributions of Air Force Weather in protecting the lives of members of the Armed Forces and citizens of the United States through timely and accurate reporting and forecasting; and

(3) honors the 1,200 personnel who currently serve within Air Force Weather and those who have carried on its tradition of excellence through their continued service at Offutt Air Force Base in Nebraska.

SENATE RESOLUTION 546—DESIGNATING THE WEEK OF SEPTEMBER 10, 2012, AS ''NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK''

Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. SANDERS, Mr. WEBB, Mr. WHITEHOUSE, Mr. CARDIN, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 546

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English-language skills necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the economic and societal well-being of the United States;

Whereas the United States reaps the economic benefits of individuals who improve their literacy, numeracy, and English-language skills;

Whereas literacy and educational skills are necessary for individuals to fully benefit from the range of opportunities available in the United States;

Whereas the United States' economy and position in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among those without a high school diploma or an equivalent credential, demonstrating that education is important to economic recovery;

Whereas the educational skills of a child's parents and the practice of reading to a child have a direct impact on the educational success of the child;

Whereas parental involvement in a child's education is a key predictor of a child's success, and the level of parental involvement in a child's education increases as the educational level of the parent increases;

Whereas parents who participate in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, the lives of children become more stable, and their success in the classroom and in future endeavors becomes more likely;

Whereas adults need to be part of a long-term solution to the educational challenges of the United States;

Whereas many older people in the United States lack the reading, math, or English skills necessary to read a prescription and follow medical instructions, which endangers their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills necessary to obtain and keep a job to provide for their families, to continue their education, or to participate in job training programs;

Whereas many high school dropouts do not have the literacy skills necessary to complete their education, transition to postsecondary education or career and technical training, or obtain a job;

Whereas a large portion of individuals in prison have low educational skills, and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants in the United States do not have the literacy skills necessary to succeed in the United States; and

Whereas National Adult Education and Family Literacy Week highlights the need to ensure each and every citizen has the literacy skills necessary to succeed at home, at work, and in society: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 10, 2012 as ''National Adult Education and Family Literacy Week'' to raise public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education, workforce skills, and family literacy programs;

(3) recognizes the importance of adult education, workforce skills, and family literacy programs; and

(4) calls upon public, private, and nonprofit entities to support increased access to adult education and family literacy programs to ensure a literate society.

SENATE RESOLUTION 547—HONORING THE LIFE OF PIONEERING ASTRONAUT DR. SALLY RIDE AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HER DEATH

Mrs. BOXER (for herself, Mrs. FEINSTEIN, Ms. SNOWE, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. BOOZMAN, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 547

Whereas Dr. Sally Ride was born on May 26, 1951, in Los Angeles, California;

Whereas Dr. Ride graduated high school from Westlake School for Girls in Los Angeles in 1968, and received from Stanford University a Bachelor of Science in Physics and a Bachelor of Arts in English in 1973, a Master of Science in 1975, and a doctorate degree in physics in 1978;

Whereas the National Aeronautics and Space Administration (referred to in this preamble as ''NASA'') selected Dr. Ride as an astronaut candidate in January of 1978;

Whereas Dr. Ride worked on the ground as a communications officer for the second and third NASA space shuttle missions (STS-2 and STS-3) and helped develop the robot arm used by shuttle crews;

Whereas, on June 18, 1983, Dr. Ride became the first woman from the United States to travel in space when she served as a mission specialist for space shuttle mission STS-7;

Whereas Dr. Ride also served as a mission specialist on space shuttle mission STS 41-G, which launched into space from the Kennedy Space Center in Florida, on October 5, 1984;

Whereas, in June of 1985, Dr. Ride was assigned to the crew of STS 61-M for which mission training terminated in January of 1986, following the space shuttle Challenger accident;

Whereas Dr. Ride served as a member of the Presidential Commission investigating the space shuttle Challenger accident and, upon completing that investigation, was assigned to NASA Headquarters as a Special Assistant to the Administrator for long-range and strategic planning;

Whereas, in 1989, Dr. Ride joined the faculty at the University of California, San Diego, as a Professor of Physics and Director of the California Space Institute, a research unit at the University of California;

Whereas, following her passion of motivating girls and young women to pursue careers in science, math, and technology, Dr. Ride founded her own company, known as Sally Ride Science, in 2001, to create entertaining science programs and publications for upper elementary and middle school students, as well as their parents and teachers;

Whereas, as a long-time advocate for improved science education, Dr. Ride initiated and directed education projects designed to fuel the fascination of middle school students with science and wrote 5 science books for children, entitled: To Space and Back, The Mystery of Mars, Voyager: An Adventure to the Edge of the Solar System, Exploring Our Solar System, and the Third Planet: Exploring the Earth from Space;

Whereas Dr. Ride served as a member of the President's Counsel of Advisors on Science and Technology, the Space Studies Board, and the Pacific Council on International Policy;

Whereas Dr. Ride was a fellow of the American Physical Society and also served on the boards of the Office of Technology Assessment, the Carnegie Institution of Washington, the National Collegiate Athletic Association Foundation, the Aerospace Corporation, and the California Institute of Technology;

Whereas Dr. Ride was the only person to have served on commissions investigating both the space shuttle Challenger and Columbia accidents; and

Whereas Dr. Ride has received numerous honors and awards, including induction into the National Women's Hall of Fame and the Astronaut Hall of Fame, the Jefferson Award for Public Service, the Wernher von Braun Memorial Award of the National Space Society, the Lindbergh Eagle Award, the Theodore Roosevelt Award of the National Collegiate Athletic Association, and 2 NASA Space Flight Medals: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the family and friends of Dr. Sally Ride on her death;

(2) mourns the loss of Dr. Ride, a trailblazing pioneer who inspired millions of individuals, especially women and girls, to reach for the stars; and

(3) appreciates all of the contributions of Dr. Ride to science, physics, education, and human spaceflight.

Mr. ROCKEFELLER. Mr. President, today I rise to introduce a resolution on the importance of quality data from the Census Bureau, including the American Community Survey. I am proud to introduce this resolution as a companion to the similar House legislation by my distinguished colleague, Congresswoman CAROLYN MALONEY. The Congresswoman has shown real leadership on this issue and I am eager to work with her to highlight the importance and significance of quality data for good government oversight and management, as well as helping American businesses.

Each year, more than $400 billion Federal dollars are distributed to local communities based on the data from the American Community Survey. This survey is the largest data set of its kind, and helps strategically target federal funding for a broad range of programs for health care, transportation and education. The American Community Survey has improves data for the Child Health Insurance Program, CHIP, that means so much to vulnerable children. Another specific and compelling example is how law enforcement uses the data to predict criminal activities like methamphetamine production. Local communities use the survey to choose locations for new schools, hospitals, and fire stations.

The survey is also important to American business. The U.S. Chamber of Commerce, the National Retail Federation, and the National Association of Home Builders support investments in this survey. It is the only source of small area estimates on social and demographic characteristics. Manufacturers and service sector firms use the survey to identify the income, education, and occupational skills of local labor markets they serve. Retail businesses use the survey to understand the characteristics of the neighborhoods in which they locate their stores. Homebuilders and realtors understand the housing characteristics and the markets in their communities, thanks to the American Community Survey.

Such a survey of American households has existed in some form since 1850, either as a longer version of or richer supplement to the basic decennial census. The newer American Community Survey provides more timely data. The Census Bureau estimates the ACS is sent to 2.5 percent of homes each year, requiring an average of 38 minutes per household to review instructions and answer questions. At this rate, the typical American would respond to the survey about twice in their lifetime. Census workers are sworn to protect confidentiality, facing prison sentences up to five years for disclosing any personal information and there has no employees are known to have violated the provisions so the privacy questions are unfounded.

In closing, I would like to share a statement by Mr. Lawrence Yun, the Chief Economist of the National Association of Realtors: ''Without the data, the nation would essentially be flying blind in relation to important housing market conditions and business decisions. Accurate economic and demographic data inspire business confidence that is so critical to the free enterprise system. We would not be able to provide an accurate estimate of many housing metrics if they cannot be benchmarked against the America Community Survey data.''

SENATE CONCURRENT RESOLUTION 56—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, August 2, 2012, through Monday, August 6, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, September 10, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, August 2, 2012, through Monday, August 6, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, September 10, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 57—EXPRESSING THE SENSE OF CONGRESS THAT THE CENSUS SURVEYS AND THE INFORMATION DERIVED FROM THOSE SURVEYS ARE CRUCIAL TO THE NATIONAL WELFARE

Mr. ROCKEFELLER submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 57

Whereas the American Community Survey (referred to in this preamble as the ''ACS'') was launched in 2005 during the Administration of President George W. Bush and has since been funded by Congress as an innovation that the Bureau of the Census has been able to use in place of the decennial census long form;

Whereas the ACS provides the United States, States, counties, cities, towns, neighborhoods, and other areas with annual data that was formerly available only once every 10 years;

Whereas the Federal Government relies on the ACS—

(1) to produce annual population estimates for the United States, States, metropolitan areas, counties, cities, and other areas;

(2) to produce annual measures of total personal income and per capita income for the United States, States, metropolitan areas, and counties;

(3) to define metropolitan areas;

(4) to determine compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(5) to fairly distribute more than $450,000,000,000 in Federal domestic assistance to States and other areas, including through the setting of the formulas for Federal reimbursement to States for Medicaid expenditures;

Whereas the ACS is the only source of rural and small-area economic and demographic data of sufficient reliability to allow entrepreneurs, business owners, and local government planners, among others, to make informed decisions on where to invest, build, create jobs, and maintain or improve infrastructure;

Whereas Congress requires the information collected through the ACS in order to provide adequate oversight of a substantial number of executive departments, agencies, and programs;

Whereas the citizens of the United States require the information collected through the ACS for each State and congressional district in order to hold their Members of Congress accountable;

Whereas, since the founding of the United States, Congress has recognized the value and mandated the use of the decennial census as a means to gather information that informs public policy and measures the progress of the United States;

Whereas the congressional tradition of the decennial census was initiated by the efforts of United States Representative James Madison, the ''Father of the Constitution'', who argued on the floor of the House of Representatives that Congress, in considering the Act entitled ''An Act providing for the enumeration of the Inhabitants of the United States'' (commonly known as the ''Census Act of 1790''; 1 Stat. 101, chapter 2), ''had now an opportunity of obtaining the most useful information for those who should hereafter be called upon to legislate for their country if this bill was extended so as to embrace some other objects besides the bare enumeration of the inhabitants; it would enable them to adapt the public measures to the particular circumstances of the community. In order to know the various interests of the United States, it was necessary that the description of the several classes into which the community was divided, should be accurately known; on this knowledge the legislature might proceed to make a proper provision for the agricultural, commercial and manufacturing interests . . . in due proportion'';

Whereas Representative James Madison also said, ''This kind of information all legislatures had wished for; but this kind of information had never been obtained in any country''; that he wished, therefore, ''to avail himself of the present opportunity of accomplishing so valuable a purpose''; and ''[i]f the plan was pursued in taking every future census, it would give [Congress] an opportunity of marking the progress of the society, and distinguishing the growth of every interest.'';

Whereas Vice President Thomas Jefferson, the ''Father of the Declaration of Independence'', wrote Congress as president of the American Philosophical Society that the consideration by Congress of the Act entitled ''An Act providing for the second Census or enumeration of the Inhabitants of the United States'' (commonly known as the ''Census Act of 1800''; 2 Stat. 11, chapter 12) offered ''an occasion of great value, and not otherwise to be obtained, of ascertaining sundry facts highly important to society . . . [and] presenting a more detailed view of the inhabitants of the United States, under several different aspects,'' including age (so as to be able to measure life expectancy), citizenship (so as to be able to determine the relative contributions of births and immigration to population growth), and the occupation of free males (so as to be able ''to ascertain more completely the causes which influence life and health, and furnish a curious and useful document of the distribution of society in these States, and of the conditions and vocations of our fellow-citizens . . .'');

Whereas diverse presidents throughout the 19th and 20th centuries, such as John Quincy Adams, Martin Van Buren, William McKinley, Herbert Hoover, and Franklin Roosevelt, asked for and received from Congress permission to expand the scope of census questions unrelated to enumeration;

Whereas the Economic Census is required by law to be conducted every 5 years, provides the most authoritative and comprehensive data about United States businesses, and provides the foundation for key economic indicators, such as the gross domestic product;

Whereas, in response to the recommendations of the Intensive Review Committee (also known as the ''Watkins Commission''), Congress enacted the recommendations into law in 1954, thereby providing for quinquennial censuses of manufacturing, mineral industries, and other businesses;

Whereas the finding of the Watkins Commission that ''[w]ithout these census records, it would not be possible to construct or interpret this system of economic indicators. Business executives, farmers, labor leaders, professional men, scholars, scientists, government officials, and administrators in all phases of our society are dependent on census records or on economic indicators based on census records.'' is as true today as it was in 1954;

Whereas the Economic Census—

(1) provides the foundation for key annual, quarterly, and monthly Federal economic indicators, including the gross domestic product, industrial production, labor productivity, manufacturing and services industry activity, producer price indices, research and development expenditures, commodity flows, and employer-sponsored health insurance coverage;

(2) provides the basis for Federal macroeconomic and budget projections; and

(3) informs Federal trade, competitiveness, and entrepreneurship policies;

Whereas single firms rely on the Economic Census to compare their operations to industry averages, identify markets, and inform decisions on business location, capital investment, product research and development, and marketing strategies;

Whereas the information collected through the Economic Census affords the private and public sectors the ability to make good decisions and use resources in a way such that the entire country is more efficient and better able to compete in the world economy, thereby allowing the United States to maintain a high standard of living;

Whereas what is today called the Economic Census began as the ''census of manufactures'' in 1810;

Whereas the census of manufactures (as well as the census of agriculture) became a regular feature of census taking in 1840 and has remained such ever since;

Whereas household and business responses to census surveys allow national, State, and local officials to make informed decisions, just as James Madison envisioned, providing timely and accurate statistics even for small localities;

Whereas, historically, Congress has followed the precedent set by all previous Congresses in supporting and directing the collection of a range of information in the ACS and the Economic Census to guide its own deliberations and consideration of policies;

Whereas Federal courts have consistently upheld the constitutionality of including questions unrelated to enumeration in the decennial census and requiring answers to such questions; and

Whereas Congress has mandated and the Department of Commerce has successfully implemented strict protection of the confidentiality of responses: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages the people of the United States to fulfill their civic duty and follow the law by responding to all census surveys conducted by the Bureau of the Census; and

(2) strongly encourages the Bureau of the Census—

(A) to provide United States households and businesses with information regarding the community, economic, and fiscal benefits to be gained from participation in the American Community Survey and the Economic Census;

(B) to use the most current methodologies and technologies to reduce any burden of responding to the American Community Survey and the Economic Census; and

(C) to continue, as the Bureau of the Census has done throughout its history, to innovate its methods, processes, and products, and thus maintain the world-class standards that have made the Bureau of the Census an international leader among statistical agencies.

SENATE CONCURRENT RESOLUTION 58—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4240

Mr. KERRY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4240) an Act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 7, insert ''is amended'' before ''by striking''.

SENATE CONCURRENT RESOLUTION 59—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, August 2, 2012, through Tuesday, August 7, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee motion to recess or adjourn, or until 2:00 noon on Monday, September 10, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, August 2, 2012, through Tuesday, August 7, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, September 10, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2771. Mr. COBURN proposed an amendment to the bill S. 3326, to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

SA 2772. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3326, supra; which was ordered to lie on the table.

SA 2773. Mr. REID (for Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. PAUL, and Mr. HATCH)) proposed an amendment to the bill S. 3245, to extend by 3 years the authorization of the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program.

SA 2774. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 3245, supra.

SA 2775. Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 402, condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

SA 2776. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, amend the title so as to read: ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942 .''.

SA 2777. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, supra.

SA 2778. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, supra.

SA 2779. Mr. REID (for Mr. WEBB (for himself, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. LIEBERMAN, Mr. MCCAIN, and Mr. LEVIN)) proposed an amendment to the resolution S. Res. 524, reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

TEXT OF AMENDMENTS

SA 2771. Mr. COBURN proposed an amendment to the bill S. 3326, to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.—Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(1) in the paragraph heading, by striking ''2012'' and inserting ''2015'';

(2) in subparagraph (A), by striking ''2012'' and inserting ''2015''; and

(3) in subparagraph (B)(ii), by striking ''2012'' and inserting ''2015''.

(b) ADDITION OF SOUTH SUDAN.—Section 107 of that Act (19 U.S.C. 3706) is amended by inserting after ''Republic of South Africa (South Africa).'' the following:

''Republic of South Sudan (South Sudan).''.

(c) CONFORMING AMENDMENT.—Section 102(2) of that Act (19 U.S.C. 3701(2)) is amended by striking ''48''.

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

SEC. 2. ELIMINATION OF UNNECESSARY DUPLICATION, REDUNDANCY, AND OVERLAP OF FEDERAL TRADE PROGRAMS.

Notwithstanding any other provision of law, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant Federal agencies—

(1) to, not later than 60 days after the date of the enactment of this Act, eliminate, consolidate, or streamline Federal programs and Federal agencies with duplicative or overlapping missions relating to trade;

(2) to, not later than September 30, 2012, rescind the unobligated balances of all amounts made available for fiscal year 2012 for programs relating to trade for the Department of Commerce, the Small Business Administration, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and the Trade and Development Agency, with the amounts rescinded to be deposited in the general fund of the Treasury for purposes of deficit reduction;

(3) to reduce spending on programs described in paragraph (2) by not less than $192,000,000 in fiscal years 2012 and 2013 (including the amounts rescinded pursuant to paragraph (2)); and

(4) to report to Congress not later than 180 days after the date of the enactment of this Act with recommendations for any legislative changes required to further eliminate, consolidate, or streamline Federal programs and Federal agencies with duplicative or overlapping trade missions.

SA 2772. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3326, to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Savings and Industrial Competitiveness Act of 2012''.

Subtitle A—Buildings

PART I—BUILDING ENERGY CODES

SEC. 211. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

''(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

''(A) the Council of American Building Officials;

''(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

''(C) other appropriate organizations.''; and

(2) by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.

''(18) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall—

''(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

''(2) support full compliance with the State and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

''(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

''(i) the energy savings of the updated model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

''(B) if the determination is positive, validate the certification.

''(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

''(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

''(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

''(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

''(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

''(B) if the determination is positive, validate the certification.

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

''(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

''(B) a plan for meeting the requirements and submitting the certification.

''(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

''(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

''(4) ANNUAL REPORTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(i) the status of model building energy codes;

''(ii) the status of code adoption and compliance in the States and Indian tribes;

''(iii) implementation of this section; and

''(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

''(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

''(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

''(ii) resulting energy costs to individuals and businesses; and

''(iii) resulting overall annual building ownership and operating costs.

''(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

''(1) to improve and implement State residential and commercial building energy codes;

''(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

''(3) to document the rate of compliance with a building energy code; and

''(4) to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

''(A) to implement the requirements of this section;

''(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

''(C) to promote building energy efficiency through the use of the codes.

''(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

''(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

''(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

''(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed $750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

''(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

''(g) STRETCH CODES AND ADVANCED STANDARDS.—

''(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

''(A) an option for adoption as a building energy code by local, tribal, or State governments; and

''(B) guidelines for energy-efficient building design.

''(2) TARGETS.—The stretch codes and advanced standards shall be designed—

''(A) to achieve substantial energy savings compared to the model building energy codes; and

''(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

''(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

''(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

''(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

''(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

''(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 $200,000,000, to remain available until expended.''.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking ''voluntary building energy code'' each place it appears in subsections (a)(2)(B) and (b) and inserting ''model building energy code''.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

''(b) TARGETS.—

''(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

''(2) TARGETS.—

''(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

''(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

''(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1–2010 for commercial buildings.

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

''(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

''(II) is higher than the preceding target; and

''(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

''(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104–121).

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

''(C) equipment improvements for heating, cooling, and ventilation systems;

''(D) building management systems and SmartGrid technologies to reduce energy use; and

''(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating code or standards proposals or revisions;

''(B) building energy analysis and design tools;

''(C) building demonstrations;

''(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(E) performance-based standards;

''(F) evaluating economic considerations under subsection (b)(4); and

''(G) developing model building energy codes by Indian tribes in accordance with tribal law.

''(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

''(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

''(d) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

''(A) improve energy efficiency in buildings compared to the existing model building energy code; and

''(B) meet the applicable targets under subsection (b)(2).

''(2) CODES OR STANDARDS NOT MEETING TARGETS.—

''(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

''(i) whether the modified code is technically feasible and life-cycle cost effective;

''(ii) available appliances, technologies, materials, and construction practices; and

''(iii) the economic considerations under subsection (b)(4).

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

''(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

''(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

''(f) VOLUNTARY CODES AND STANDARDS.—Nothwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.''.

PART II—WORKER TRAINING AND CAPACITY BUILDING

SEC. 221. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b)) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

Subtitle B—Building Efficiency Finance

SEC. 231. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

''SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CREDIT SUPPORT.—The term 'credit support' means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

''(2) EFFICIENCY OBLIGATION.—The term 'efficiency obligation' means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

''(3) PROJECT.—The term 'project' means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

''(b) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

''(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

''(c) GUIDELINES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

''(A) establish guidelines for credit support provided under this section; and

''(B) publish the guidelines in the Federal Register; and

''(C) provide for an opportunity for public comment on the guidelines.

''(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

''(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

''(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

''(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

''(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

''(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

''(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

''(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

''(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

''(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

''(II) minimum debt-to-income levels of the borrower;

''(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

''(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

''(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

''(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

''(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

''(VIII) recovery of payments equally by the Secretary and the retrofit.

''(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

''(A) loans, including loans made by the Federal Financing Bank;

''(B) power purchase agreements, including energy efficiency power purchase agreements;

''(C) energy services agreements, including energy performance contracts;

''(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

''(E) aggregate on-meter agreements that finance retrofit projects; and

''(F) any other efficiency obligations the Secretary determines to be appropriate.

''(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

''(A) the maximization of energy savings with the available credit support funding;

''(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

''(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

''(D) projects designed to achieve whole-building retrofits.

''(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

''(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

''(2) $10,000,000 for any single project.

''(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

''(f) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

''(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

''(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

''(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that

meets the standards described in the program guidelines;

''(C) the project meets any technical criteria described in the program guidelines;

''(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

''(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

''(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

''(E) any other assurances that the Secretary determines to be necessary.

''(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

''(g) FEES.—

''(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

''(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

''(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

''(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

''(1) the manner in which this section is being carried out;

''(2) the number and type of projects supported;

''(3) the types of funding mechanisms used to provide credit support to projects;

''(4) the energy savings expected to result from projects supported by this section;

''(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

''(6) any plans to improve the tracking efforts described in paragraph (5).

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.''.

Subtitle C—Industrial Efficiency and Competitiveness

PART I—MANUFACTURING ENERGY EFFICIENCY

SEC. 241. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in the section heading, by inserting ''**AND INDUSTRY**'' before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

''(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

''(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

''(B) improve the industrial competitiveness of the United States.

''(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

''(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

''(B) lead a partnership that includes participation by, at a minimum—

''(i) a State government agency; and

''(ii) a private financial institution or other provider of loan capital;

''(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

''(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

''(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed $100,000,000 for any fiscal year.

''(4) RECAPTURE OF AWARDS.—

''(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

''(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

''(i) the amount of non-Federal funds matched by the eligible lender;

''(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

''(iii) any other appropriate factor, as determined by the Secretary.

''(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

''(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

''(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

''(B) enhance the industrial competitiveness of the United States; and

''(C) achieve such other goals as the Secretary determines to be appropriate.

''(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

''(A) the description of the program to be carried out with the cost-matched Federal funds;

''(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

''(C) program sustainability over a 10-year period;

''(D) the capability of the applicant;

''(E) the quantity of energy savings or energy feedstock minimization;

''(F) the advancement of the goal under this Act of 25-percent energy avoidance;

''(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

''(H) such other factors as the Secretary determines appropriate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $400,000,000 for the period of fiscal years 2012 through 2021.''.

SEC. 242. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

SEC. 243. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term ''industrial energy efficiency'' means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term ''industrial sector'' means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of —

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of $5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

SEC. 244. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: ''**FUTURE OF INDUSTRY PROGRAM**''.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

''(5) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) CENTERS OF EXCELLENCE.—

''(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

''(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than $500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

''(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

''(4) COORDINATION.—

''(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

''(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

''(v) identify opportunities for reducing greenhouse gas emissions; and

''(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(5) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities and energy service providers;

''(iii) the efforts of regional energy efficiency organizations; and

''(iv) the efforts of other centers in the region of the center of excellence.

''(6) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2012 and each fiscal year thereafter.

''(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

SEC. 245. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

''SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

''(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

''(2) preventing pollution and minimizing waste;

''(3) improving efficient use of water in manufacturing processes;

''(4) conserving natural resources; and

''(5) achieving such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

SEC. 246. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 247. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

PART II—SUPPLY STAR

SEC. 251. SUPPLY STAR.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

"SEC. 324B. SUPPLY STAR PROGRAM.

''(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

''(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

''(1) consult with other appropriate agencies; and

''(2) coordinate efforts with the Energy Star program established under section 324A.

''(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

''(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

''(2) work to enhance industry and public awareness of the Supply Star program;

''(3) collect and disseminate data on supply chain energy resource consumption;

''(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

''(5) develop guidance at the sector level for improving supply chain efficiency;

''(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

''(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

''(A) developing and sharing best practices; and

''(B) providing opportunities to benchmark supply chain efficiency.

''(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

''(e) GRANTS AND INCENTIVES.—

''(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

''(A) studying supply chain energy resource efficiency; and

''(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

''(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

''(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

''(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

''(h) EFFECT OF OUTSOURCING OF AMERICAN JOBS.—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

PART III—ELECTRIC MOTOR REBATE PROGRAM

SEC. 261. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) $25.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

PART IV—TRANSFORMER REBATE PROGRAM

SEC. 271. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITION OF QUALIFIED TRANSFORMER.—In this section, the term ''qualified transformer'' means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) AUTHORIZED AMOUNT OF REBATE.—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as ''kVA'') shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, $15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, $5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

Subtitle D—Federal Agency Energy Efficiency

SEC. 281. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for

Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

SEC. 282. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

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

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

SEC. 283. BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e) is amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

''(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

''(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

''(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

''(4) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

''(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

''(C) COMPONENTS.—The report shall include, at a minimum—

''(i) summaries and analysis of the reports by agencies under paragraph (3);

''(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

''(I) potential common communications standards to allow data sharing and reporting;

''(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

''(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

''(iii) an analysis of—

''(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

''(II) existing techniques used within the private sector or other non-Federal government buildings.''.

SEC. 284. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110–140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

''(i) to certify compliance with the requirements for—

''(I) energy and water evaluations under paragraph (3);

''(II) implementation of identified energy and water measures under paragraph (4); and

''(III) follow-up on implemented measures under paragraph (5); and

''(ii) to publish energy and water consumption data on an individual facility basis.''.

SEC. 285. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.''.

SEC. 286. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking ''electric energy'' each place it appears and inserting ''electric, direct, and thermal energy'';

(2) in subsection (b)(2)—

(A) by inserting '', or avoided by,'' after ''generated from''; and

(B) by inserting ''(including ground-source, reclaimed, and ground water)''after ''geothermal'';

(3) by redesignating subsection (d) as subsection (e); and

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

''(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

''(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

''(2) may be used individually or in combination to comply with subsection (a).''.

SEC. 287. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

Subtitle E—Miscellaneous

SEC. 291. OFFSETS.

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) $50,000,000 for each of fiscal years 2009 through 2012;

''(3) $100,000,000 for fiscal year 2013; and

''(4) $200,000,000 for each of fiscal years 2014 through 2018.''.

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) (as redesignated by section 241(2)) is amended—

(1) in paragraph (1), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $250,000,000 for fiscal year 2013''; and

(2) in paragraph (2), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $425,000,000 for fiscal year 2013''.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

''(A) $100,000,000 for fiscal year 2008;

''(B) $200,000,000 for each of fiscal years 2009 and 2010;

''(C) $100,000,000 for each of fiscal years 2011 and 2012; and''.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking ''$202,000,000'' and inserting ''$102,000,000''; and

(2) in subparagraph (E), by striking ''$208,000,000'' and inserting ''$108,000,000''.

SEC. 292. ADVANCE APPROPRIATIONS REQUIRED.

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

SA 2773. Mr. REID (for Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. PAUL, and Mr. HATCH)) proposed an amendment to the bill S. 3245, to extend by 3 years the authorization of the EB–5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place such term appears; and

(2) in subsection (b), by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 2. REAUTHORIZATION OF E–VERIFY.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 3. REAUTHORIZATION OF SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II), by striking ''September 30, 2012'' and inserting ''September 30, 2015''; and

(2) in subclause (III), by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 4. REAUTHORIZATION OF CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 5. NO AUTHORITY FOR NATIONAL IDENTIFICATION CARD.

Nothing in this Act may be construed to authorize the planning, testing, piloting, or development of a national identification card.

SA 2774. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 3245, to extend by 3 years the authorization of the EB–5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program; as follows:

Amend the title so as to read: ''A bill to extend by 3 years the authorization of the EB–5 Regional Center Program, the E–Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program.''.

SA 2775. Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 402, condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield; as follows:

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other countries in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to assist regional governments to bring Joseph Kony to justice and end atrocities perpetuated by the Lord's Resistance Army, pursuant to the comprehensive strategy required by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps in the United States Government's strategy to support the efforts of the regional governments to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) commends the African Union for committing to enhance troop deployments in order to fortify the military response to the Lord's Resistance Army, in coordination with the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan, and in order to strengthen ongoing efforts to apprehend Joseph Kony and senior commanders of the Lord's Resistance Army or remove them from the battlefield;

(7) supports increased collaboration and coordination between the African Union and the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan in order to apprehend Joseph Kony or remove him from the battlefield;

(8) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection to populations affected by the Lord's Resistance Army;

(9) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other relevant government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for regional partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to support regionally-led rehabilitation programs for children and youth affected by war that are tailored to address the specific trauma and physical and mental abuse these children and youth may have experienced as a result of indoctrination by the Lord's Resistance Army and to serve to reconnect them with their families and communities;

(10) calls on the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(11) urges that civilian protection and early-warning programs led by regional militaries and the United States Agency for International Development continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(12) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(13) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

SA 2776. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, amend the title so as to read: ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942.''; as follows:

Strike all after the resolving clause and insert the following:

That the Senate—

(1) recognizes the valor, skill, and courage of the Raiders that proved invaluable to the eventual defeat of Japan during the Second World War;

(2) acknowledges that the actions of the Raiders helped to forge an enduring example of heroism in the face of uncertainty for the Army Air Force of the Second World War, the future of the Air Force, and the United States as a whole; and

(3) commends the 5 living members and 80 original members of the Doolittle Tokyo Raiders for their participation in the Tokyo bombing raid of April 18, 1942.

SA 2777. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, amend the title so as to read: ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding herosim, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942.''; as follows:

Strike the preamble and insert the following:

Whereas brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an ''extremely hazardous mission'' without knowing the target, location, or assignment and willingly put their lives in harm's way, risking death, capture, and torture;

Whereas the conducting of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

Whereas after the discovery of the USS Hornet by Japanese picket ships 170 miles

further away from the prearranged launch point, the Raiders proceeded to take off 670 miles from the coast of Japan;

Whereas by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Raiders deliberately accepted the risk that the B–25s might not have enough fuel to reach the designated airfields in China;

Whereas the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

Whereas because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

Whereas of the 80 Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States; and

Whereas of the 8 captured, 3 were executed and 1 died of disease: Now, therefore, be it

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SA 2778. Mr. REID (for Mr. BROWN of Ohio) proposed an amendment to the resolution S. Res. 418, amend the title so as to read: ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942.''; as follows:

Amend the title so as to read ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942.''

SA 2779. Mr. REID (for Mr. WEBB (for himself, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. LIEBERMAN, Mr. MCCAIN, and Mr. LEVIN)) proposed an amendment to the resolution S. Res. 524, reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes; as follows:

In the preamble, strike the 6th whereas clause and all that follows through the end and insert the following:

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime domain of Asia;

Whereas the South China Sea is a vital part of the maritime domain of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas, in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed ''that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region'' and have agreed to work towards the attainment of a code of conduct;

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner'';

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment ''to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea'';

Whereas, although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

Whereas the Government of the People's Republic of China has recently taken unilateral steps to declare the Paracel and Spratly Islands, and their adjacent waters to be a prefectural-level city, and has identified government leaders to assert administrative control over 200 islets, sandbanks, and reefs and 2,000,000 square kilometers of water;

Whereas the Central Military Commission in China also announced the deployment of a garrison of soldiers to this area; and

Whereas these steps are contrary to agreed upon principles with regard to resolving disputes and impede a peaceful resolution of the sovereignty disputes in the South China Sea: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 2, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 2, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 2, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON SECURITY, INSURANCE, AND INVESTMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on August 2, 2012, at 9 a.m., to conduct a hearing entitled ''Examining the IPO Process: Is It Working for Ordinary Investors?''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of today's session: Dan West, Micah Scudder, and Heather Sykes.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Monday, September 10, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 664; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 450, 609, 709, 718, 719, 720, 723, 825, 826, 827, 831, 837, 838, 841, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 872, 874, and all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Laura A. Cordero, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 15, 2015.

Steven H. Cohen, of Illinois, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Paul W. Hodes, of New Hampshire, to be a Member of the National Council on the Arts for a term expiring September 3, 2016.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

James Xavier Dempsey, of California, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2016.

Elisabeth Collins Cook, of Illinois, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2014.

Rachel L. Brand, of Iowa, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2017.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2013.

DEPARTMENT OF THE TREASURY

Matthew S. Rutherford, of Illinois, to be an Assistant Secretary of the Treasury.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Meredith M. Broadbent, of Virginia, to be a Member of the United States International Trade Commission for a term expiring June 16, 2017.

DEPARTMENT OF THE TREASURY

Mark J. Mazur, of New Jersey, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF JUSTICE

Danny Chappelle Williams, Sr., of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

MISSISSIPPI RIVER COMMISSION

Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sean Sullivan, of Connecticut, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2015.

IN THE AIR FORCE

The following named officer for appointment as Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8033 and 601:

To be general

Gen. Mark A. Welsh, III

DEPARTMENT OF STATE

Gene Allan Cretz, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Deborah Ruth Malac, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Thomas Hart Armbruster, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

David Bruce Wharton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Greta Christine Holtz, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Alexander Mark Laskaris, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Marcie B. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

John M. Koenig, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Michael David Kirby, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be real admiral (lower half)

Gerd F. Glang

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be real admiral

Michael S. Devany

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be rear admiral (lower hall)

David A. Score

EXECUTIVE OFFICE OF THE PRESIDENT

Patricia K. Falcone, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF VETERANS AFFAIRS

Thomas Skerik Sowers II, of Missouri, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

FOREIGN SERVICE

PN1705 FOREIGN SERVICE nominations (47) beginning Narendran Chanmugam, and ending Jana S. Wooden, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2012.

PN1776 FOREIGN SERVICE nominations (23) beginning Thomas J. Brennan, and ending Thomas Pepe, which nominations were received by the Senate and appeared in the Congressional Record of June 20, 2012.

PRIVILEGED NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that the following nominations under the Privileged section of the Executive Calendar be considered: Presidential Nomination 1513, who is Ingrid A. Gregg, of Michigan, to be on the board of trustees of the Harry S Truman Scholarship Foundation, and Presidential Nomination 1514, James L. Henderson, of Kentucky, to be on the board of trustees of the Harry S Truman Scholarship Foundation; that the nominations be confirmed, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD, and that President Obama be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Ingrid A. Gregg, of Michigan to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2017.

James L. Henderson, of Kentucky, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2017.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of PN 1731, Kimberley Sherri Knowles to be an associate judge of the Superior Court of the District of Columbia; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Kimberley Sherri Knowles, of the District of Columbia, to be an Associate Judge of the

Superior Court of the District of Columbia for the term of fifteen years.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of PN 1826, James B. Cunningham, of New York, to be Ambassador to the Islamic Republic of Afghanistan; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

James B. Cunningham, of New York, a Career Member of the Senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

NOMINATIONS IN STATUS QUO

Mr. REID. Mr. President, as in executive session, if the Senate adjourns under S. Con. Res. 59, I ask unanimous consent that all the nominations received by the Senate during the 112th Congress, second session, remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the following exception: PN 1727.

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

AMBASSADOR JAMES R. LILLEY AND CONGRESSMAN STEPHEN J. SOLARZ NORTH KOREA HUMAN RIGHTS REAUTHORIZATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 458.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill, (H.R. 4240) to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask that the bill be read a third time and the Senate proceed to vote on passage of this bill.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill.

The bill (H.R. 4240) was passed.

CORRECTING THE ENROLLMENT OF H.R. 4240

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 58, a concurrent resolution to correct the enrollment of H.R. 4240, submitted earlier today by Senator KERRY; that the concurrent resolution be agreed to, the motion to reconsider be made and 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 resolution (S. Con. Res. 58) was agreed to, as follows:

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4240) an Act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 7, insert ''is amended'' before ''by striking''.

REAUTHORIZING CERTAIN VISA PROGRAMS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3245 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative read as follows:

A bill (S. 3245) to permanently reauthorize the EB–5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program.

Without objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today, the Senate worked together to advance bipartisan legislation that Senator GRASSLEY and I introduced, and I thank all Senators for their support. I am very pleased that the Senate has agreed to pass this important legislation as it has been amended. I especially commend Senator GRASSLEY, Senator HATCH, Senator CONRAD, and Senator SCHUMER for their collaboration. And I thank Senator MENENDEZ for working with us to get this done in the Senate.

This legislation contains extensions for four long-standing immigration programs for another 3 years. These programs, last authorized in the fiscal year 2010 Homeland Security Appropriations law, are set to expire on September 30, 2012. Today's actions are a step toward avoiding that result, and maintaining the progress and benefits that these programs provide to many American communities and constituencies.

A program that I have long supported with Senators on both sides of aisle, the EB–5 Regional Center Program, has brought tens of thousands of jobs and billions in capital investment to communities across the United States at no cost to the taxpayer. This program represents one small corner of our overall immigration system, yet it results in enormous benefits for so many communities, including Vermont, where our Governors across administrations and business leaders have put it to use to make Vermont a better place for its citizens. The economic transformation we have seen in some Vermont communities as the direct result of this program is profound. Over the last several years, Vermonters who might have been out of work in a struggling economy found themselves working to build up Vermont companies, building Vermont products, and supporting economic activity in their communities. And so today, business leaders and entrepreneurs in Vermont, along with Vermont's Governor Peter Shumlin and his economic development team will continue to have this tool to help raise the capital Vermont needs to continue its innovation and economic growth.

Job creation and capital investment in America is something I know we can all support, and today I am proud to say we have done just that. I want to give my thanks to the Association to Invest in the U.S.A., the American Immigration Lawyers Association, and all of the entrepreneurs and businesses large and small across the United States that have realized the economic benefits of this program and that have so strongly supported my efforts.

The bill we pass today also continues programs important to Senator HATCH and Senator CONRAD. Today we take a step toward carrying on Senator CONRAD's program to encourage foreign doctors trained in the United States to practice medicine in medically underserved rural areas. And today we move to continue Senator HATCH's program to give United States religious institutions the ability to invite foreign citizens of shared faith to their communities to carry out good works and to help others.

And this legislation reauthorizes the E-Verify work authorization program, which I know is very important to the Judiciary Committee's ranking member and other Senators. This program gives American employers a tool to ensure that those they hire are legally authorized to work in the United States. Yet it maintains its status as a voluntary program for employers, and maintains that choice for our businesses large and small to participate if they choose.

I regret that it has been such a long road for us to get to this point today. These measures should be the easy ones. The politics of immigration continue to make our progress difficult not only on the broader measures that America needs, but on the smaller ones that Congress has supported for many years. So I am pleased the Senate has

acted in support of all of these programs today. I would have liked to see these programs made permanent after the many years they have been in existence they should be. But I also understand that with permanence, the Senate should look at ways to improve them where possible so that they are more secure and more effective. I am prepared to do that.

Though we take a small step forward today with these reauthorizations, I remain as committed today to tackle comprehensive immigration reform as I was when I supported President Bush in 2006 and 2007 in his efforts to make real change in our laws. I expect we will be there again soon and I look forward to the day we will once again begin the effort to strengthen and protect our entire immigration system.

Mr. REID. Mr. President, I ask unanimous consent that a Leahy-Grassley substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; that a Leahy-Grassley amendment to the title, which is also at the desk, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2773) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place such term appears; and

(2) in subsection (b), by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 2. REAUTHORIZATION OF E–VERIFY.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 3. REAUTHORIZATION OF SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II), by striking ''September 30, 2012'' and inserting ''September 30, 2015''; and

(2) in subclause (III), by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 4. REAUTHORIZATION OF CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

SEC. 5. NO AUTHORITY FOR NATIONAL IDENTIFICATION CARD.

Nothing in this Act may be construed to authorize the planning, testing, piloting, or development of a national identification card.

The amendment (No. 2774) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to extend by 3 years the authorization of the EB–5 Regional Center Program, the E–Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J–1 Visa Waiver Program.''.

The bill (S. 3245) was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING THE ARCHITECT OF THE CAPITOL TO ESTABLISH BATTERY RECHARGING STATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1402.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1402) to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statement related to this matter be printed in the RECORD at the appropriate place.

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

The bill (H.R. 1402) was ordered to a third reading, was read the third time, and passed.

REQUIRING TSA TO COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3670, 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 assistant legislative clerk read as follows:

A bill (H.R. 3670) to require the Transportation Security Administration to comply with the Uniformed Service Employment and Re-Employment Rights Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 3670) was read the third time and passed.

CONDEMNING JOSEPH KONY AND THE LORD'S RESISTANCE ARMY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 432, S. Res. 402.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. Res. 402) condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

There being no objection, the Senate proceeded to consider the resolution, 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:

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

S. RES. 402

Whereas the Lord's Resistance Army (LRA) wreaked havoc in northern Uganda for two decades, during which time the World Bank estimates that they abducted some 66,000 youth and forced them to serve as child soldiers and sex slaves and commit terrible acts;

Whereas, under increasing pressure, Joseph Kony ordered the Lord's Resistance Army in 2005 and 2006 to withdraw from Uganda and to move west into the border region of the Democratic Republic of the Congo, the Central African Republic, and what would become the Republic of South Sudan;

Whereas, since September 2008, Joseph Kony has directed the Lord's Resistance Army to commit systematic, large-scale attacks against innocent civilians in the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan that have destabilized the region and resulted in the deliberate killing of at least 2,400 civilians, many of whom were targeted in schools and churches; the rape and brutal mutilation of an unknown number of men, women, and children; the abduction of over 3,400 civilians, including at least 1,500 children, many of them forced to become child soldiers or sex slaves; and the reported displacement of more than 465,000 civilians from their homes, many of whom do not have access to essential humanitarian assistance;

Whereas insecurity caused by the Lord's Resistance Army has undermined efforts by the governments in the region, which have been supported by the assistance of the United States and the international community, to consolidate peace and stability in each of the countries affected by the Lord's Resistance Army;

Whereas, since December 2001, the Department of State has included the Lord's Resistance Army on its ''Terrorist Exclusion List'' and in August 2008, Lord's Resistance Army leader Joseph Kony was designated a ''Specially Designated Global Terrorist'' by President George W. Bush pursuant to Executive Order 13224;

Whereas, on October 6, 2005, the International Criminal Court issued arrest warrants against Joseph Kony and four of his top commanders for war crimes and crimes against humanity, yet they remain at large;

Whereas, in May 2010, Congress passed and President Barack Obama signed into law the

Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), which made it the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

Whereas, on November 24, 2010, as mandated by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, President Obama issued the Strategy to Support the Disarmament of the Lord's Resistance Army, which provides a comprehensive strategy for supporting regional efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army;

Whereas, on October 14, 2011, President Obama notified Congress that he had authorized approximately 100 combat-equipped members of the Armed Forces to deploy to central Africa to provide assistance to regional forces that are working toward the removal of Joseph Kony and senior leadership of the Lord's Resistance Army from the battlefield;

Whereas section 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 22 U.S.C. 2151 note) authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistical support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat of the Lord's Resistance Army;

Whereas that section provides that no United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support for foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army, except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor);

Whereas the Consolidated Appropriations Act, 2012 (Public Law 112–74) directed the President to support increased peace and security efforts in areas affected by the Lord's Resistance Army, including programs to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former Lord's Resistance Army combatants, especially child soldiers;

Whereas the United Nations and African Union, acting with encouragement and support from the United States Government, have renewed their efforts to help governments in the region address the threat posed by the Lord's Resistance Army, and on November 22, 2011, the African Union designated the Lord's Resistance Army as a terrorist group and authorized a new initiative to help strengthen the coordination among the affected governments in the fight against the Lord's Resistance Army;

Whereas, on March 24, 2012, the African Union formally announced the intent to deploy up to 5,000 troops to advance regional efforts to counter the Lord's Resistance Army, and the next day formally inaugurated the Headquarters of the Regional Task Force in the Republic of South Sudan to coordinate efforts to capture Joseph Kony and neutralize the Lord's Resistance Army; and

Whereas targeted United States assistance and leadership can help prevent further mass atrocities and curtail humanitarian suffering in central Africa: Now, therefore, be it

Resolved, That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other countries in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to implement a comprehensive strategy to counter the Lord's Resistance Army, pursuant to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, and to assist governments in the region to bring Joseph Kony to justice and end atrocities perpetuated by the Lord's Resistance Army;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps and enhance United States support for the regional effort to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) commends the African Union for committing to enhance troop deployments in order to fortify the military response to the Lord's Resistance Army, in coordination with the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan, and in order to strengthen ongoing efforts to apprehend Joseph Kony and senior commanders of the Lord's Resistance Army or remove them from the battlefield;

(7) supports increased collaboration and coordination between the African Union and the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan in order to apprehend Joseph Kony or remove him from the battlefield;

(8) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection and provide assistance to populations affected by the Lord's Resistance Army;

(9) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other relevant government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to rehabilitate children and youth affected by war, through programs that are tailored to address the specific trauma and physical and mental abuse they may have experienced as a result of indoctrination by the Lord's Resistance Army, and serve to reconnect these children and youth with their families and communities;

(10) calls on the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(11) urges that civilian protection continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(12) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(13) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

Amend the title so as to read: ''Condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments and regional organizations in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.''.

Mr. REID. Mr. President, I ask unanimous consent that the Committee-reported amendment be withdrawn; that the Coons substitute amendment, which is at the desk, be agreed to, the resolution, as amended, be agreed to; that the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to; that the committee-reported amendment to the title be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 2775) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other countries in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to assist regional governments to bring Joseph Kony to justice

and end atrocities perpetuated by the Lord's Resistance Army, pursuant to the comprehensive strategy required by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps in the United States Government's strategy to support the efforts of the regional governments to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) commends the African Union for committing to enhance troop deployments in order to fortify the military response to the Lord's Resistance Army, in coordination with the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan, and in order to strengthen ongoing efforts to apprehend Joseph Kony and senior commanders of the Lord's Resistance Army or remove them from the battlefield;

(7) supports increased collaboration and coordination between the African Union and the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan in order to apprehend Joseph Kony or remove him from the battlefield;

(8) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection to populations affected by the Lord's Resistance Army;

(9) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other relevant government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for regional partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to support regionally-led rehabilitation programs for children and youth affected by war that are tailored to address the specific trauma and physical and mental abuse these children and youth may have experienced as a result of indoctrination by the Lord's Resistance Army and to serve to reconnect them with their families and communities;

(10) calls on the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(11) urges that civilian protection and early-warning programs led by regional militaries and the United States Agency for International Development continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(12) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(13) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

The resolution (S. Res. 402), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The committee-reported amendment to the title was agreed to.

The resolution as amended, with its preamble, as amended, reads as follows:

S. RES. 402

Whereas the Lord's Resistance Army (LRA) wreaked havoc in northern Uganda for two decades, during which time the World Bank estimates that they abducted some 66,000 youth and forced them to serve as child soldiers and sex slaves and commit terrible acts;

Whereas under increasing pressure, Joseph Kony ordered the Lord's Resistance Army in 2005 and 2006 to withdraw from Uganda and to move west into the border region of the Democratic Republic of the Congo, the Central African Republic, and what would become the Republic of South Sudan;

Whereas, since September 2008, Joseph Kony has directed the Lord's Resistance Army to commit systematic, large-scale attacks against innocent civilians in the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan that have destabilized the region and resulted in the deliberate killing of at least 2,400 civilians, many of whom were targeted in schools and churches; the rape and brutal mutilation of an unknown number of men, women, and children; the abduction of over 3,400 civilians, including at least 1,500 children, many of them forced to become child soldiers or sex slaves; and the reported displacement of more than 465,000 civilians from their homes, many of whom do not have access to essential humanitarian assistance;

Whereas insecurity caused by the Lord's Resistance Army has undermined efforts by the governments in the region, which have been supported by the assistance of the United States and the international community, to consolidate peace and stability in each of the countries affected by the Lord's Resistance Army;

Whereas, since December 2001, the Department of State has included the Lord's Resistance Army on its ''Terrorist Exclusion List'' and in August 2008, Lord's Resistance Army leader Joseph Kony was designated a ''Specially Designated Global Terrorist'' by President George W. Bush pursuant to Executive Order 13224;

Whereas, on October 6, 2005, the International Criminal Court issued arrest warrants against Joseph Kony and four of his top commanders for war crimes and crimes against humanity, yet they remain at large;

Whereas, in May 2010, Congress passed and President Barack Obama signed into law the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), which made it the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

Whereas, on November 24, 2010, as mandated by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, President Obama issued the Strategy to Support the Disarmament of the Lord's Resistance Army, which provides a comprehensive strategy for supporting regional efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army;

Whereas, on October 14, 2011, President Obama notified Congress that he had authorized approximately 100 combat-equipped members of the Armed Forces to deploy to central Africa to provide assistance to regional forces that are working toward the removal of Joseph Kony and senior leadership of the Lord's Resistance Army from the battlefield;

Whereas section 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 22 U.S.C. 2151 note) authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistical support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat of the Lord's Resistance Army;

Whereas that section provides that no United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support for foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army, except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor);

Whereas the Consolidated Appropriations Act, 2012 (Public Law 112–74) directed the President to support increased peace and security efforts in areas affected by the Lord's Resistance Army, including programs to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former Lord's Resistance Army combatants, especially child soldiers;

Whereas the United Nations and African Union, acting with encouragement and support from the United States Government, have renewed their efforts to help governments in the region address the threat posed by the Lord's Resistance Army, and on November 22, 2011, the African Union designated the Lord's Resistance Army as a terrorist group and authorized a new initiative to help strengthen the coordination among the affected governments in the fight against the Lord's Resistance Army;

Whereas, on March 24, 2012, the African Union formally announced the intent to deploy up to 5,000 troops to advance regional efforts to counter the Lord's Resistance

Army, and the next day formally inaugurated the Headquarters of the Regional Task Force in the Republic of South Sudan to coordinate efforts to capture Joseph Kony and neutralize the Lord's Resistance Army; and

Whereas targeted United States assistance and leadership can help prevent further mass atrocities and curtail humanitarian suffering in central Africa: Now, therefore, be it

Resolved, That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other countries in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to assist regional governments to bring Joseph Kony to justice and end atrocities perpetuated by the Lord's Resistance Army, pursuant to the comprehensive strategy required by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps in the United States Government's strategy to support the efforts of the regional governments to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) commends the African Union for committing to enhance troop deployments in order to fortify the military response to the Lord's Resistance Army, in coordination with the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan, and in order to strengthen ongoing efforts to apprehend Joseph Kony and senior commanders of the Lord's Resistance Army or remove them from the battlefield;

(7) supports increased collaboration and coordination between the African Union and the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan in order to apprehend Joseph Kony or remove him from the battlefield;

(8) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection to populations affected by the Lord's Resistance Army;

(9) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other relevant government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for regional partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to support regionally-led rehabilitation programs for children and youth affected by war that are tailored to address the specific trauma and physical and mental abuse these children and youth may have experienced as a result of indoctrination by the Lord's Resistance Army and to serve to reconnect them with their families and communities;

(10) calls on the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(11) urges that civilian protection and early-warning programs led by regional militaries and the United States Agency for International Development continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(12) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(13) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

COMMENDING THE ''DOOLITTLE TOKYO RAIDERS''

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 418, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 418) commending the 80 brave men who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States during the bombing of Tokyo and 5 other targets on the island of Honshu on April 18, 1942, during the Second World War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Brown of Ohio substitute amendment, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the Brown of Ohio amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the Brown of Ohio title amendment, which is at the desk, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD, as if read.

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

The amendment (No. 2776) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

That the Senate—

(1) recognizes the valor, skill, and courage of the Raiders that proved invaluable to the eventual defeat of Japan during the Second World War;

(2) acknowledges that the actions of the Raiders helped to forge an enduring example of heroism in the face of uncertainty for the Army Air Force of the Second World War, the future of the Air Force, and the United States as a whole; and

(3) commends the 5 living members and 80 original members of the Doolittle Tokyo Raiders for their participation in the Tokyo bombing raid of April 18, 1942.

The resolution (S. Res. 418), as amended, was agreed to.

The amendment (No. 2777) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an ''extremely hazardous mission'' without knowing the target, location, or assignment and willingly put their lives in harm's way, risking death, capture, and torture;

Whereas the conducting of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

Whereas after the discovery of the USS Hornet by Japanese picket ships 170 miles further away from the prearranged launch point, the Raiders proceeded to take off 670 miles from the coast of Japan;

Whereas by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Raiders deliberately accepted the risk that the B–25s might not have enough fuel to reach the designated airfields in China;

Whereas the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

Whereas because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

Whereas of the 80 Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States; and

Whereas of the 8 captured, 3 were executed and 1 died of disease: Now, therefore, be it

The preamble, as amended, was agreed to.

The amendment (No. 2778) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read ''Commemorating the 70th anniversary and commending the brave men of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombing of Tokyo on April 18, 1942.''

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 418

Whereas brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an ''extremely hazardous mission'' without knowing the target, location, or assignment and willingly put their lives in harm's way, risking death, capture, and torture;

Whereas the conducting of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

Whereas after the discovery of the USS Hornet by Japanese picket ships 170 miles further away from the prearranged launch point, the Raiders proceeded to take off 670 miles from the coast of Japan;

Whereas by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Raiders deliberately accepted the risk that the B–25s might not have enough fuel to reach the designated air-fields in China;

Whereas the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

Whereas because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

Whereas of the 80 Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States; and

Whereas of the 8 captured, 3 were executed and 1 died of disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the valor, skill, and courage of the Raiders that proved invaluable to the eventual defeat of Japan during the Second World War;

(2) acknowledges that the actions of the Raiders helped to forge an enduring example of heroism in the face of uncertainty for the Army Air Force of the Second World War, the future of the Air Force, and the United States as a whole; and

(3) commends the 5 living members and 80 original members of the Doolittle Tokyo Raiders for their participation in the Tokyo bombing raid of April 18, 1942.

REAFFIRMING STRONG SUPPORT OF THE UNITED STATES OF THE PARTIES IN THE SOUTH CHINA SEA

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 524, and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 524) reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the Webb amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The resolution (S. Res. 524) was agreed to.

The amendment (No. 2779) was agreed to, as follows:

(Purpose: To amend the preamble)

In the preamble, strike the 6th whereas clause and all that follows through the end and insert the following:

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime domain of Asia;

Whereas the South China Sea is a vital part of the maritime domain of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas, in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed ''that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region'' and have agreed to work towards the attainment of a code of conduct;

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner'';

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment ''to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea'';

Whereas, although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

Whereas the Government of the People's Republic of China has recently taken unilateral steps to declare the Paracel and Spratly Islands, and their adjacent waters to be a prefectural-level city, and has identified government leaders to assert administrative control over 200 islets, sandbanks, and reefs and 2,000,000 square kilometers of water;

Whereas the Central Military Commission in China also announced the deployment of a garrison of soldiers to this area; and

Whereas these steps are contrary to agreed upon principles with regard to resolving disputes and impede a peaceful resolution of the sovereignty disputes in the South China Sea: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution with its preamble as amended, reads as follows:

S. RES. 524

Whereas the Association of Southeast Asian Nations (ASEAN) plays a key role in strengthening and contributing to peace, stability, and prosperity in the Asia-Pacific region;

Whereas the vision of the ASEAN Leaders in their goals set out in the ASEAN Charter to integrate ASEAN economically, politically, and culturally furthers regional peace, stability, and prosperity;

Whereas the United States Government recognizes the importance of a strong, cohesive, and integrated ASEAN as a foundation for effective regional frameworks to promote peace and security and economic growth and to ensure that the Asia-Pacific community develops according to rules and norms agreed upon by all of its members;

Whereas the United States is enhancing political, security and economic cooperation in Southeast Asia through ASEAN, and seeks to continue to enhance its role in partnership with ASEAN and others in the region in addressing transnational issues ranging from climate change to maritime security;

Whereas the United States Government welcomes the development of a peaceful and prosperous China which respects international norms, international laws, international institutions, and international rules, and enhances security and peace, and seeks to advance a ''cooperative partnership'' between the United States and China;

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime domain of Asia;

Whereas the South China Sea is a vital part of the maritime domain of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed ''that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region'' and have agreed to work towards the attainment of a code of conduct;

Whereas pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner'';

Whereas pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment ''to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea'';

Whereas although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

Whereas the Government of the People's Republic of China has recently taken unilateral steps to declare the Paracel and Spratly Islands, and their adjacent waters to be a prefectural-level city, and has identified government leaders to assert administrative control over 200 islets, sandbanks, and reefs and 2,000,000 square kilometers of water;

Whereas the Central Military Commission in China also announced the deployment of a garrison of soldiers to this area; and

Whereas these steps are contrary to agreed upon principles with regard to resolving disputes and impede a peaceful resolution of the sovereignty disputes in the South China Sea: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China;

(2) supports the member states of ASEAN, and the Government of the People's Republic of China, as they seek to adopt a legally binding code of conduct of parties in the South China Sea, and urges all countries to substantively support ASEAN in its efforts in this regard;

(3) strongly urges that, pending adoption of a code of conduct, all parties, consistent with commitments under the declaration of conduct, ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals and other features and to handle their differences in a constructive manner'';

(4) supports a collaborative diplomatic process by all claimants for resolving outstanding territorial and jurisdictional disputes, allowing parties to peacefully settle claims and disputes using international law;

(5) reaffirms the United States commitment—

(A) to assist the nations of Southeast Asia to remain strong and independent;

(B) to help ensure each nation enjoys peace and stability;

(C) to broaden and deepen economic, political, diplomatic, security, social, and cultural partnership with ASEAN and its member states; and

(D) to promote the institutions of emerging regional architecture and prosperity; and

(6) supports enhanced operations by the United States armed forces in the Western Pacific, including in the South China Sea, including in partnership with the armed forces of others countries in the region, in support of freedom of navigation, the maintenance of peace and stability, respect for international law, including the peaceful resolution of issues of sovereignty, and unimpeded lawful commerce.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following resolutions: S. Res. 544, S. Res. 545, S. Res. 546, and S. Res. 547.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate and any statements relating to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 544

(Congratulating the Navy Dental Corps on its 100th anniversary)

Whereas on August 22, 1912, Congress passed an Act recognizing Navy dentistry as a distinct branch among naval medical professions;

Whereas in the last century, the Navy Dental Corps has supported the Navy by sustaining Sailor and Marine readiness and providing routine and emergency dental care, ashore and afloat, in peace and in war;

Whereas the Navy Dental Corps works continuously to improve the health of Sailors, Marines, and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and treatment;

Whereas the Navy Dental Corps endeavors to improve oral health worldwide by participating in the spectrum of military combat, peacekeeping, and humanitarian operations and exercises;

Whereas the Navy Dental Corps, in collaboration with national and international dental organizations, promotes dental professionalism and quality of care;

Whereas the Navy Dental Corps supports the mission of the Federal dental research program and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Navy Dental Corps recognizes the importance of continuing professional dental education, requiring and supporting specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Navy Dental Corps on its 100th anniversary;

(2) commends the Navy Dental Corps for working to sustain the dental readiness and the oral health of a superb fighting force; and

(3) recognizes the thousands of dentists who have served in the Navy Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families.

S. RES. 545

(Commemorating the 75th Anniversary of Air Force Weather)

Whereas the United States Army Air Corps assumed responsibility for military weather services on July 1, 1937, beginning a legacy of superior service to Army and Air Force commanders for the next 75 years;

Whereas the United States Army Air Forces activated the Weather Wing on April 14, 1943, in time to provide General Dwight D. Eisenhower with reports and forecasts vital to the success of Operation Overlord, the reentry of the Allies into Europe against resistance from German occupation forces, and subsequent operations in Europe and the Pacific;

Whereas 68 personnel from the Weather Wing lost their lives in World War II;

Whereas the Weather Wing was redesignated as the Army Air Forces Weather Service in 1945, and the Air Weather Service in 1946;

Whereas, in July of 1947, the Air Weather Service became a part of the newly formed United States Air Force with a mission to support both the Army and Air Force;

Whereas, in 1948, the Air Weather Service issued its first tornado warning;

Whereas the Air Weather Service provided critical reports and forecasts to commanders, planners, and aircrews in support of the Berlin Airlift, enabling the successful efforts to stare down Premier of the Soviet Union Joseph Stalin in the first major confrontation of the Cold War;

Whereas the Air Weather Service has participated in every military operation from operations in Vietnam to Iraq and Afghanistan;

Whereas the Air Weather Service was reorganized into a field operating agency on April 1, 1991, reporting directly to the Air Staff;

Whereas, on October 15, 1997, the Air Weather Service was redesignated as the Air Force Weather Agency and subsequently headquartered at Offutt Air Force Base, Nebraska;

Whereas, in June 2008, construction was completed on a new 188,000-square-foot headquarters building for the Air Force Weather Agency at Offutt Air Force Base;

Whereas the civilian community surrounding Offutt Air Force Base fully recognizes the tremendous dedication and contributions of the personnel stationed at Offutt Air Force Base to the global fighting force, and likewise, base personnel express constant praise and appreciation to the civilian community for its outstanding support;

Whereas, in close cooperation with the National Weather Service, Air Force Weather has supported a wide variety of missions from its base in Nebraska, including space launches and solar observation; and

Whereas Air Force Weather has continued to produce timely, accurate, and continuous weather information to locate targets in any battle around the world or in space: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of Air Force Weather and its prominent role in national security;

(2) remembers the immeasurable contributions of Air Force Weather in protecting the lives of members of the Armed Forces and citizens of the United States through timely and accurate reporting and forecasting; and

(3) honors the 1,200 personnel who currently serve within Air Force Weather and those who have carried on its tradition of excellence through their continued service at Offutt Air Force Base in Nebraska.

S. RES. 546

(Designating the week of September 10, 2012, as ''National Adult Education and Family Literacy Week'')

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English-language skills necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the economic and societal well-being of the United States;

Whereas the United States reaps the economic benefits of individuals who improve their literacy, numeracy, and English-language skills;

Whereas literacy and educational skills are necessary for individuals to fully benefit from the range of opportunities available in the United States;

Whereas the United States' economy and position in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among those without a high school diploma or an equivalent credential, demonstrating that education is important to economic recovery;

Whereas the educational skills of a child's parents and the practice of reading to a child have a direct impact on the educational success of the child;

Whereas parental involvement in a child's education is a key predictor of a child's success, and the level of parental involvement in a child's education increases as the educational level of the parent increases;

Whereas parents who participate in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, the lives of children become more stable, and their success in the classroom and in future endeavors becomes more likely;

Whereas adults need to be part of a long-term solution to the educational challenges of the United States;

Whereas many older people in the United States lack the reading, math, or English skills necessary to read a prescription and follow medical instructions, which endangers their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills necessary to obtain and keep a job to provide for their families, to continue their education, or to participate in job training programs;

Whereas many high school dropouts do not have the literacy skills necessary to complete their education, transition to postsecondary education or career and technical training, or obtain a job;

Whereas a large portion of individuals in prison have low educational skills, and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants in the United States do not have the literacy skills necessary to succeed in the United States; and

Whereas National Adult Education and Family Literacy Week highlights the need to ensure each and every citizen has the literacy skills necessary to succeed at home, at work, and in society: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 10, 2012 as ''National Adult Education and Family Literacy Week'' to raise public awareness about the importance of adult education, workforce skills, and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education, workforce skills, and family literacy programs;

(3) recognizes the importance of adult education, workforce skills, and family literacy programs; and

(4) calls upon public, private, and nonprofit entities to support increased access to adult education and family literacy programs to ensure a literate society.

S. RES. 547

(Honoring the life of pioneering astronaut Dr. Sally Ride and expressing the condolences of the Senate on her death)

Whereas Dr. Sally Ride was born on May 26, 1951, in Los Angeles, California;

Whereas Dr. Ride graduated high school from Westlake School for Girls in Los Angeles in 1968, and received from Stanford University a Bachelor of Science in Physics and a Bachelor of Arts in English in 1973, a Master of Science in 1975, and a doctorate degree in physics in 1978;

Whereas the National Aeronautics and Space Administration (referred to in this preamble as ''NASA'') selected Dr. Ride as an astronaut candidate in January of 1978;

Whereas Dr. Ride worked on the ground as a communications officer for the second and third NASA space shuttle missions (STS-2 and STS-3) and helped develop the robot arm used by shuttle crews;

Whereas, on June 18, 1983, Dr. Ride became the first woman from the United States to travel in space when she served as a mission specialist for space shuttle mission STS-7;

Whereas Dr. Ride also served as a mission specialist on space shuttle mission STS 41-G, which launched into space from the Kennedy Space Center in Florida, on October 5, 1984;

Whereas, in June of 1985, Dr. Ride was assigned to the crew of STS 61-M for which mission training terminated in January of 1986, following the space shuttle *Challenger* accident;

Whereas Dr. Ride served as a member of the Presidential Commission investigating the space shuttle *Challenger* accident and, upon completing that investigation, was assigned to NASA Headquarters as a Special Assistant to the Administrator for long-range and strategic planning;

Whereas, in 1989, Dr. Ride joined the faculty at the University of California, San Diego, as a Professor of Physics and Director of the California Space Institute, a research unit at the University of California;

Whereas, following her passion of motivating girls and young women to pursue careers in science, math, and technology, Dr. Ride founded her own company, known as Sally Ride Science, in 2001, to create entertaining science programs and publications for upper elementary and middle school students, as well as their parents and teachers;

Whereas, as a long-time advocate for improved science education, Dr. Ride initiated and directed education projects designed to fuel the fascination of middle school students with science and wrote 5 science books for children, entitled: *To Space and Back*, *The Mystery of Mars*, *Voyager: An Adventure to the Edge of the Solar System*, *Exploring Our Solar System*, and *The Third Planet: Exploring the Earth from Space*;

Whereas Dr. Ride served as a member of the President's Counsel of Advisors on Science and Technology, the Space Studies Board, and the Pacific Council on International Policy;

Whereas Dr. Ride was a fellow of the American Physical Society and also served on the boards of the Office of Technology Assessment, the Carnegie Institution of Washington, the National Collegiate Athletic Association Foundation, the Aerospace Corporation, and the California Institute of Technology;

Whereas Dr. Ride was the only person to have served on commissions investigating both the space shuttle *Challenger* and *Columbia* accidents; and

Whereas Dr. Ride has received numerous honors and awards, including induction into the National Women's Hall of Fame and the Astronaut Hall of Fame, the Jefferson Award for Public Service, the Wernher von Braun Memorial Award of the National Space Society, the Lindbergh Eagle Award, the Theodore Roosevelt Award of the National Collegiate Athletic Association, and 2 NASA Space Flight Medals: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the family and friends of Dr. Sally Ride on her death;

(2) mourns the loss of Dr. Ride, a trailblazing pioneer who inspired millions of individuals, especially women and girls, to reach for the stars; and

(3) appreciates all of the contributions of Dr. Ride to science, physics, education, and human spaceflight.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 135.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 135) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 135) was agreed to.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 59.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 59) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 59) was agreed to, as follows:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, August 2, 2012, through Tuesday, August 7, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, September 10, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, August 2, 2012, through Tuesday, August 7, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, September 10, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the

House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MEASURE READ THE FIRST TIME—S. 3519

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3519) to require sponsoring Senators to pay the printing cost of ceremonial and commemorative Senate resolutions.

Mr. REID. I now ask for a second reading, but in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The legislation will be read for the second time on the next legislative day.

APPOINTMENTS AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on Tuesday, August 28, from 12 noon to 2 p.m.

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

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Thursday, August 2, to Monday, September 10, the majority leader and Senators WEBB, REED of Rhode Island, CONRAD, and CARDIN be authorized to sign duly enrolled bills or joint resolutions.

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

TRIBUTE TO ASHLEY MESSICK

Mr. REID. Mr. President, I wish to take a minute and express my appreciation—and I speak for all Senators—to Ashley Messick, who sits right here in front of us and has for 7 years. Honestly, it seems she just came yesterday. I really mean that. She has added a lot of vibrancy to this body, she is always pleasant, and she has always been available to me, even though she sits on the Republican side, and to everyone else.

So I am happy for her in one way: She is leaving because she fell in love and is getting married, and I am very happy for her. But we are really a small group of people at this front desk who do so much to make this place run properly. And even though she has been here 7 years, this is something I am confident will be with her the rest of her life. I am grateful to her for her attitude and her professionalism, and I wish her the very best.

ACKNOWLEDGING THE SENATE PAGES

Mr. REID. Mr. President, we have had a wonderful group of summer pages. I am so glad we have these young men and women. As I have said a number of times and I repeat tonight, two of my grandchildren have been pages. It was a wonderful, life-altering experience for them. I now have had another—my grandson—as one of the summer pages, and he has had a great time. So I am glad we have the page program. They are helpful to us, and I wish them the very best. I hope their experiences are as good as my three grandchildrens' experiences.

ORDERS FOR FRIDAY, AUGUST 3, 2012, THROUGH MONDAY, SEPTEMBER 10, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, August 3, at 10:15 a.m.; Tuesday, August 7, at 11 a.m.; Friday, August 10, at 11 a.m.; Tuesday, August 14, at 2:30 p.m.; Friday, August 17, at 11:30 a.m.; Tuesday, August 21, at 10 a.m.; Friday, August 24, at 10 a.m.; Tuesday, August 28, at 2:30 p.m.; Friday, August 31, at 11:30 a.m.; Tuesday, September 4, at 11:30 a.m.; and Friday, September 7, at 12 noon; and that the Senate adjourn on Friday, September 7, until 2 p.m. on Monday, September 10, unless the Senate has received a message from the House that it has adopted S. Con. Res 59, which is the adjournment resolution, and that if the Senate has received such a message, the Senate adjourn until Monday, September 10, at 2 p.m., under the provisions of S. Con. Res. 59; that following the prayer and pledge, the Journal 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 the majority leader be recognized and Senators be permitted to speak for up to 10 minutes each; and that at 5 p.m. the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, if pro forma sessions are necessary—and it appears they are; the House turned down the adjournment resolution—Senators should be aware that starting Tuesday, August 7, the pro forma sessions will be held in Hart 216 while repairs are made in the Senate Chamber.

The next rollcall vote will be at 5:30 p.m. on Monday, September 10, on confirmation of the Rose nomination.

Additionally, this evening cloture was filed on the motion to proceed to S. 3457, the Veterans Jobs Corps Act. That vote will be at 2:15 p.m. on Tuesday, September 11.

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:15 a.m. tomorrow, unless the Senate receives a message from the House that it has adopted S. Con. Res. 59, in which case the Senate stands adjourned until 2 p.m. on Monday, September 10, 2012, under the provisions of S. Con. Res. 59.

Thereupon, the Senate, at 8:31 p.m., adjourned until Friday, August 3, 2012, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PAMELA KI MAI CHEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE RAYMOND J. DEARIE, RETIRED.

DEPARTMENT OF THE TREASURY

CHRISTOPHER J. MEADE, OF NEW YORK, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE GEORGE WHEELER MADISON, RESIGNED.

AFRICAN DEVELOPMENT FOUNDATION

IQBAL PAROO, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2017, VICE JULIUS E. COLES, TERM EXPIRED.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

WILLIAM J. MIELKE, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE GEORGE D. MILIDRAG.

ARTHUR H. SULZER, OF PENNSYLVANIA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE CHARLES E. DORKEY III.

DEPARTMENT OF DEFENSE

ERIC KENNETH FANNING, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE ERIN C. CONATON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER C. BOGDAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JON A. WEEKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ANDREW M. MUELLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

MICHAELENE A. KLOSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARRETT S. YEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARION GARCIA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. DEBORAH A. ASHENHURST

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JUDD H. LYONS
BRIG. GEN. LEE E. TAFANELLI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. KENDALL W. PENN

To be brigadier general

COL. KEITH A. KLEMMER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) JAMES D. SYRING

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

MICHAEL F. WENDELKEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL M. HOWARD
PATRICK E. KNOESTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

KARYN J. AYERS
JOEL B. SOLOMON

To be major

JOHN M. TUDELA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KIMBERLY A. DALE
BENJAMIN H. MCMATH III

To be major

JAMES B. SMITH
CHRISTOPHER B. VOGLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be major

GREGORY S. ULMA

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be major

PATRICK P. METKE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DREW D. DUKETT

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DAVID A. CORTESE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEFFREY T. WHORTON

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES J. ROMERO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

TANASHA N. BENNETT
REIES M. FLORES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRAD D. BEKKEDAHL
ROBERT D. BURKE
GEORGE L. CHARFAUROS
ERIC S. KOHL
SCOTT J. MCATEE
DONALD D. PEREZ, JR.
DANIEL R. WATERS
BERNARD E. WILLIFORD
WILLIAM L. ZANA

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ALAN T. WAKEFIELD

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

TASSOS J. SFONDOURIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GLEN CABARCAS
BRYCE W. DONOVAN
RICARDO A. FERRA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHUCK J. BROWDER
FRANCIS J. CARMODY III
MICHAEL J. HARRIS
STEVEN C. MALVIG
BRIAN D. MCKEON
JENNIFER M. MCNITT
DOUGLAS W. PEARMAN
SCOTT A. SPILKER
CHRISTOPHER K. TUGGLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DANIEL ARANDA
LUCAS G. BARLOW
BEATA I. GONZALES
ERIC A. GUTTMANN
RANDALL D. JONES
JONATHAN D. LOHN
ANDREW C. OCONNOR
WILLIAM J. PARISH
FRANCISCO RIVERA
CHAD J. STUEWE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW R. ALLEN
LARA R. BOLLINGER
KATHARINE M. CEREZO
EDWARD A. EARLY
GREGORY L. FLORES
JESSICA L. GANDY
COURTNEY L. HILLSON
KARL J. LETTOW
REANN S. MOMMSEN
REBECCA L. REBARICH
JOE M. VASQUEZ
BRIAN T. WIERZBICKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM E. BLANKS
DANIEL E. BROWN
NATHANIAL R. CANNISTRA
JAMES G. GABRIEL
MIMI H. GAFFNEY
CHRISTOPHER E. HOGGARD
COLLIN D. KORENEK
STEVEN D. MCKENDRY
RYAN J. OCONNELL
JODY G. POUNDS
JASON T. RITCHIE
JOSEPH R. RUCK
OBIE I. SHABAZZ
JEREMY J. WAGNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRADLEY H. ABRAMOWITZ
SCOTT D. BLUE
CHRISTOPHER G. CARR
MICHAEL S. CURTIS
DAMIEN A. DODGE
DEREK J. DYE
JAMES A. GRANT
MATTHEW E. HAGSTETTE
JAMES L. HAMMERSLA III
RANDALE J. HONAKER
EDGAR W. JATHO III
DUSTIN M. JOHNS
COLIN G. LARKINS
STEVEN C. LAYFIELD
CORNELIUS L. MASON
JOSEPH A. MAXWELL
JORDAN A. MCCALEB
MICHAEL K. MEADOR
DAVID C. PEREZ
ROBERT J. TURCIC
ERIC A. WEISS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARITY A. BREIDENBACH
CHARLES M. CASTEVENS
CALVIN J. CUNNINGHAM, SR.
DENNIS P. DAVIO
TAMMY L. FARNWORTH
STEPHEN E. GARDIPEE
ERIC C. GLOVER
WILLIAM J. GRAY
BRIAN J. HAWKINS
EDWARD U. HOOD
DANIEL T. JONES
TROY W. MASK
ALEJANDRO PALOMINO
ERIC L. QUARLES
LANCE A. ROBERTS
KRYSTYNA H. SHUDY
WILLIAM E. SIDDLE, JR.
JOSEPH E. STIERWALT
PAUL E. THOMAS
NICHOLAS T. WALKER
DAVID A. YOUNG
PHILLIP A. ZAMARRIPA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HENRY L. BUSH
BRIAN P. CAMPBELL
TIMOTHY M. CARMON
DALTON H. CLARKE
SCOTT F. COLE
ROBERT B. CONNER
JOSHUA B. DAILY
STEVEN J. DEBICH
ANTHONY E. DOBSON
VANESSA I. FORREST
JACOB P. GALBREATH
CALVIN B. GATES
CRAIG M. GILKEY
STEPHEN C. GRAY
ANTHEUS D. HEBERT
JUSTIN R. HENDRIX

ZHIVAGO S. JOHNSON
BLAKE W. LAFEVER
MICHAEL R. LARAYA
DALE R. LISKEY
XINYANG F. LIU
WILLIAM L. OREE
TRACEY L. RHONE
SHELDON L. SNYDER
STANLEY C. WARE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KYLE R. ALCOCK
MARK D. ANDERSON
KRISTOPHER M. BRAZIL
EDWARD A. CARLTON
CHRISTOPHER J. CARMICHAEL
ANDREA M. CASSIDY
MARTIN F. FAJARDO
BENJAMIN W. FISCHER
CHRISTINE L. FLETCHER
MICHAEL P. GUMINA
CHARLES R. HARMON
MICHAEL J. KEPPEN
JOSHUA B. KINGSTON
NATHALIE C. KOCIS
DAVID B. KOPF
MATTHEW S. LARKIN
NICHOLAS LONG
QUINTRELL L. MCCREARY
BRANDI S. MCGEHEE
JASON L. MCNEAR
CHRISTOPHER R. MILES
DANIEL A. NELSON
ROGER D. PHELPS, JR.
DONALD A. ROBERTS
AARON SANCHEZ
TIFFONEY L. SAWYER
SAVANNA S. STEFFEN
CLARENCE D. WASHINGTON
SHEREE T. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEREMIAH P. ANDERSON
TRAVIS J. ANDERSON
BRIAN M. AUTRY
JOSHUA A. BEAUVAIS
MOLLIE A. BILY
ROBERT D. BLANCHARD
STEPHEN T. BLEVINS
CARL K. BODIN
ERIC P. BOERNKE
JOHN F. BOSEMAN
DAVID T. BURGGRAFF
JAMIE E. COOK
NATHANIEL S. COSTELLO
RICHARD L. DULDULAO
JASON T. DUNNAHOO
JAMES M. FLETCHER
ASHLEY E. FULLER
WILLIAM A. GIBSON
JUSTIN C. HLAVIN
BENJAMIN A. KNEISEL
SHAWN M. KOCIS
ANTHONY G. LARSON
SUNNY G. LAU
CHARLES K. LE
NICHOLAS D. LEVINE
BENSON W. LO
MATTHEW J. MALINOWSKI
MELANIE J. MCDOUGALL
COLIN S. MONK
PAUL W. MURCH
KRISTOPHER D. NETEMEYER
DANIEL T. NEVEROSKY
THOMAS C. PARKER
ROBERT E. PETERSON
ANDREW J. PRIVETTE
MICHAEL J. PUTNAM
JAMES W. ROCHELLE
BRIAN K. RYGLOWSKI
JONATHAN F. SCHIEL
JENNIFER L. SHAFER
BARTHOLOMEW J. SIEVENPIPER
ZACHARIAH H. STILES
PHILIP N. STUBBLEFIELD
NADIA A. TEPPER
CORWIN J. WAGNER
JEREMY R. WOODY
AARON L. WOOLSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARK J. AID, JR.
DEAN J. ALEXA
EDWARD ALEXANDER
FREDERIC L. ALSTON
KEVIN J. ALTEMARA
MARVIN R. ATKINS
DONOVAN J. AYER
JAMES W. BAKER
MICHAEL J. BALDWIN
DEMPSEY L. BARNES
BRIAN D. BARTH
PATRICK A. BATISTE
HOWARD M. BELL IV
BRIAN J. BENSON
MITCHELL L. BOLTZ
FRANK T. BORREGO
ADAM G. BORSMAN
JAMES C. BOSTICK
JERRY C. BREWER, JR.
JASON D. BRISTLIN
ANTHONY D. BROWN
ELTON J. BROWN
SATONYA A. BROWN
SCOTT A. BROWN
BARRY W. BUDWELL
KEITH C. BURDICK
SHAWN L. BURMEISTER
CHRISTOPHER C. BURNETT
ERIC S. BUSIG
WILLIAM T. BYERS
DAVID E. BYRNE
KEVIN P. CAIN
CHRISTOPHER M. CALHOUN
STEVEN C. CARLSON
CHRISTOPHER D. CATON
LOUIE CEDILLOS
CURT W. CHAFFINCH
JAMES L. CLARK III
LISA A. CLARK
MATT CLARK
RICHARD L. CLIFFORD
MARK K. CORBLISS
JOHN A. COURTIAL
CHRISTOPHER E. CRAVEN
BENJAMIN F. I. CREHORE
MARCUS A. CREIGHTON
SCOTT B. CROLY
GREGORY A. CURL
CARLITO S. DACOCO
DANIEL G. DAVIGNON
KENT L. DAVIS
MARY C. DECKER
RONALD L. DELGADO
DONALD F. DEVINE, JR.
MICHAEL J. DEVITO, JR.
THOMAS M. DOANE
GREGORY C. DOIRON
PAUL G. DOUVIER
JOHN P. DOYLE
EARL D. DREY, JR.
SHANE D. DUDLEY
MARK A. DUNNING
TODD L. DUPREE
MICHAEL G. DYER
LONNIE A. EASTER
MICHAEL B. EDQUIST
JEFFREY S. EIDENBERGER
GERALD W. ELDER
RODNEY J. ELISH
RICHARD R. EMERSON
MATTHEW J. FINNERAN
JUAN C. FLORES
KEITH R. FORIS
PAUL G. FRANKLIN
MICHAEL E. FROST
BRENT W. FULTON
PETER H. FURMAN
LEONARD J. GAMBLE
LOUIS GASCA, JR.
MAJOR A. GOODEN
JOEL C. GORNY
EDWARD E. GOSLEE
SHAMAR D. GRAY
MICHAEL D. GREENBERG
JOE N. GROESBECK
JOHN C. GROVES
GEORGE GROVNER III
JASON L. GUTIERREZ
OMAR A. HAIR
JEFFREY L. HALL
DAVID A. HAMILTON
JEFFREY A. HARRIS
ZACHARY D. HARRY
JEFFREY P. HARVEY
TODD R. HASTINGS
BRIAN C. HELLMANN
HOMER F. HENSY
DARRYL L. HERRMANN
DANIEL L. HESS
LARRY J. HEUSER
JEFFREY A. HEXTELL
GREGORY D. HILL
MARIAN D. HILL
CURT HILLEARY
KEITH E. HILLSBERY
SCOTT T. HODGKINSON
ANDREW M. HOFFMAN
ROGER D. HORNE
ALLAN A. HOWARD
JAMES A. HOWARD
BRIAN C. HOWELL
ANTHONY G. HUTTON
VINCENT O. IRELAND III
PATRICK B. ISOM
THOMAS C. JACOBSON
FORREST B. JAMES III
VERN A. JENSEN, JR.
ERIK R. JOHNSON
STEVEN B. JOHNSON
DAREN L. JONES
MICHELLE M. JONES
KEVIN V. KELLNER
DONALD P. KELSEY
KATHERINE C. KEPLER
TRAVIS N. KING
KARL M. KINGSBURY
KEVIN D. KITCHIN
MICHAEL J. KLAPHAKE
MICHAEL J. KLAUER
ROBERT G. KNAPP
JOSEPH A. KOCHERA
DAVID J. KRUG
KURTIS J. KRUG
BRYAN J. KUPYAR
ERIC M. LAETTNER
KENNETH M. LANE
CAROL A. LANSDOWN
RANDALL J. LAVERN
JOHN O. LEE
LANCE R. LINDLEY
RONALD T. LOFTON
TODD G. LOMBARD
MICHAEL E. LOVELACE
KEITH R. LUCKETT
NICHOLAS D. LUTES
WILLARD E. LYLES II
CRAIG H. MACDONALD
TRACY L. MACKEY
JADE K. MAGUIGAD
TIMOTHY D. MAGUIRE
RICHARD MARTINEZ
PETER J. MARTINO III
MICHAEL A. MASONER
CARL A. MATTEUCCI
GEORGE E. MAYES
WILLIAM C. MCBRIDE
RONALD W. MCCALLISTER
JEFFREY B. MCCOULSKEY
JEFFERY B. MCCRADY
ARRON M. MCGRATH
CATINA N. MCINTOSH
DESTRY L. MCKENZIE
MICHAEL S. MCPHERSON
GERONIMO M. MENDOZA
SAMUEL B. MERRITT
JON A. MILLER
SCOTT O. MILLER
DERRICK L. MITCHELL
JEFFREY A. MOEN
GREGORY R. MOILES
MICHAEL D. MONROE
DAVID C. MOORE
JOHNATHAN R. MOORE
JOHN C. MORRIS
JEFFREY A. MOTICHKA
RICKY W. MUNSON
THOMAS C. MURDOCK
DAVID E. NAGY
JIMMY D. NAVARRO
DAVID NAVAS
MICHAEL D. NEHRING
JIMMIE L. NELSON
TODD M. NENNICH
CHRISTOPHER J. OLEARY
JOHNNY D. PAGE
PETER J. PALLAS
RICHARD L. PARSON
DESMOND B. PENROSE
DENVER L. PETERS
IAN A. PETERSON
JAY D. PONTON II
MARK A. POWELL
TIMOTHY M. PRATT
GREGORY B. PRICE
MICHAEL A. PRINCE
PATRICK K. PRUITT
EDWARD D. QUINONESDOYLE
JOHN W. RAINES
RICHARD L. RANCOUR
BRIAN R. RATKOVICH
RICHARD D. RAY
MARK W. REID
MICHAEL S. RICKETT
ERIC P. RION
RAY T. ROGERS
DERRICK W. ROLLAND
JAIME I. ROMAN
TROY E. ROSE
DALE R. ROSS
JOSEPH J. SABOL
DAVID P. SALANTY, JR.
MANUEL SANCHEZ
VINCENT SANCHEZ III
MARK R. SANDERS
CHAD E. SANER
JUSTIN M. SANTOS
JOSEPH A. SAVOCA
DEAN S. SCHOENROCK
DEVIN J. SCHOLLARS
SCOTT P. SEDDON
ROBERT J. SEMRAU, JR.
JASON J. SHARON
STEPHEN R. SHETLER
MICHAEL A. SHINE
JIMMY D. SHORT
JOSHUA SIMS
JOSEPH D. SINGER
BRADLY W. SLAUGHTER, JR.
WILBUR F. SLUSSER III
BILLY J. SMITH
RAYMOND SNYDER III
ROGER R. SOMERO, JR.
ROBERT W. SPARKMAN
MARK D. STANLEY
REYNALDO A. STANLEY, JR.
NICHOLAS H. STEGING, JR.
ARTHUR G. STEWART II
MELVIN STRINGFELLOW
RANDY L. STROMAN
ERICK C. STROUD
DAMON R. SUMERALL
DAVID S. SWEET
ERIK M. SWEET
SHAWN D. TEASLEY
RICHARD K. THOMAS
ADAM D. THOMPSON
WALTER D. TIMBERLAKE, JR.
GREGORY L. TINER
JERIAHMI L. L. TINSLEY

ALEX N. TORRES
STEPHEN A. TURNER
DANIEL E. UHLIR
CRISALDO D. VELASQUEZ
CLETIS S. WALKER
QUITMAN A. WARD III
THOMAS M. WEBB
GEORGE W. WESSON II
RICHARD L. WHIPPLE
HARVEY L. WICKER, JR.
WILLIAM L. WILLIAMS, JR.
LAWRENCE H. WILSON, JR.
MICHAEL A. WOODCOCK
ROBERT J. WRENN
TREAVER J. WRIGHT
BRIAN L. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRYCE D. ABBOTT
SARAH E. ABBOTT
PHILLIP J. ABERNATHY
THEODORE L. ACHIMASI, JR.
CODY J. ACUNA
JUSTIN M. ADCOCK
ERIC J. ADLER
KYLE A. ADUSKEVICH
JOSHUA M. ALES
COLIN S. ALLEN
MARK B. ALLEN
JAMES V. ALLENBURG
JEFFERY C. ALLEY
JASON A. ALTHOUSE
LEE M. AMERINE
CHRISTOPHER M. AMIS
BRADLEY M. AMOS
BENJAMIN M. ANDERSON
BJORN A. ANDERSON
GEOFFREY D. ANDERSON
ROBERT J. ANDREA
LARRY J. ARBUCKLE
STACY J. G. ARENSTEIN
ALEXANDER P. ARMATAS
TODD A. ARNOLD
DAVID K. ASHBY
STEPHEN K. AUGUSTYN
VICTOR H. AVILA
ANDRES J. AVILES
JOHN P. BABICK
VERNON C. BACHMANN
KATHRYN T. BAEHR
MARK E. BAIR
JEREMIAH C. BALDWIN
CHAD E. BARKLEY
ANDREW K. BARNETT
MEGAN M. BARNETT
KENNETH J. BARNHART
RAYMOND T. BARR, JR.
TIMOTHY J. BARRY
NATHAN S. BARTON
GUY M. BATCHELDER
JARED A. BATTANI
TIMOTHY K. BATTLES
CALEB A. BAUER
MATTHEW H. BEACH
CHADRICK J. BEIDALAH
MICHAEL A. BENDER
JEANINE F. BENJAMIN
DANIEL R. BERGSTROM
CHAD M. BERMAN
COLIN J. BERNARD
JOSEPH P. BERNIER
CHRISTOPHER S. BERNOTAVICIUS
DAVID C. BERRY II
JASON M. BERWANGER
MATTHEW B. BILLINGS
DEREK W. BINTZ
GREG A. BISCHOFF
ETHAN R. BITER
ERIC S. BLACKBURN
JASON B. BLACKMON
WILLIAM F. BLANTON
MEGHAN L. BODNAR
MICHAEL P. J. BOETTCHER
DUANE S. BOGATKO
BRANDON M. BOOHER
PATRICK B. BOOKEY
KEVIN M. BOUTWELL
MARK S. BOVEE II
BRANDON P. BOYCE
TOLIN B. BOYD
VICTOR J. BOZA
BRADLEY C. BOZIN
ESTHER E. BRADLEY
GREGORY F. BRANT
CARICE J. BRANTLEY
THOMAS L. BRAYDEN
JONATHAN M. BRENNER
MICHAEL M. BREWER
RONALD W. BROOKS
JERMAINE B. BROOMS
KURTIS J. BROUWER
MICHAEL E. BROWN
PHILIP L. BROWN
ZACHARY R. BROWN
KEVIN M. BRUYETTE
DANIEL M. BRYAN
RUSSELL L. BRYANT
KEITH R. BUCKINGHAM
THOMAS W. BULLOCK
RICARDO J. BURNS
MATTHEW D. BUTT
THOMAS R. BUTTS, JR.
MATTHEW H. BUYSKE
JOHN M. CADY
FREDERICK B. CALALANG
JESSICA E. CALDWELL
JOHN K. CALDWELL
DAVID L. CALHOUN
TYLER J. CAMERON
ALEXANDER T. CAMPBELL
JOHN A. CAMPIGOTTO
RYAN G. CAMPOAMOR
LAURIE A. CANTER
JONATHAN B. CANTOR
ANDREW P. CAPRARI
AARON J. CARLSON
KLINTON L. CARPENTER
CHRISTOPHER M. CARREON
ALICIA C. CARTER
MELISSA J. CARULLI
JOSEPH W. CASE
PHILLIP R. CASHA
PAUL W. CASSUTTI
JOSEPH R. CASTLEMAN
JAMES C. CATALINE
BRALYN E. CATHEY
DAVID J. CATTERALL
GERARD L. CAZEAULT
MICHAEL E. CERTO
KEVIN M. CHAMBLEY
ROBERT H. CHANDLER
BLAKE A. CHANEY
GREGORY R. CHAPMAN
PATRICK M. CHAPMAN
RYAN A. CHAPPELL
WILLIAM F. CHARD
TIMOTHY C. CHARLEBOIS
WILEY J. CHILDERS
JOSHUA A. CHISHOLM
MICHAEL S. CHOE
CHAD D. CHRISTENSEN
BRYAN J. CHRISTIANSEN
RICHARD M. CHRISTOFF
JOHN W. CHUMA III
RYAN F. CLARKE
BROOKS T. CLEVELAND
CHARLES H. CLINE
KEVIN C. CLOPPER
GAVIN H. CLOUGH
JUSTIN M. COBB
STEVEN J. COBOS
JOHN S. COCCA
MARK D. COCHRAN, JR.
MICHAEL P. CODINGTON
TERENCE A. COLEMAN
CHRISTOPHER S. COLLINS
MARK D. COLLINS
JORGE R. COLON
STEVEN J. COLWELL
ZACHARY J. CONLEY
BENJAMIN J. COOPER
CHAD J. COOPER
JUSTIN P. COOPER
LLOYD L. COORE
JOSHUA P. CORBIN
CHARLES C. CORNELY
JAMES L. CORREIA
VICTOR D. COSTELLO
AARON D. COUDRAY
ANSEL J. COX
CHELSEA R. CREEKMUIR
GREGORY M. CRESCENZO
DAVID M. CRESCITELLI
JEREMY D. CRESTETTO
RYAN D. CRISMAN
GREGORY J. CROSBY
JOHN G. CULPEPPER
NICHOLAS F. CUNNINGHAM
BRYAN S. DAHLQUIST
DAVID A. DAIGLE
GLEN K. DAKAN
RICHARD P. DALY
ANDREW F. DAMBROSIO, JR.
BRIAN W. DANIEL
CHARLES J. DANIEL
ROBERT E. DANIELSON
CHON B. DAREING
BRADLEY P. DAVENPORT
ROGER A. DAVIS
KATHRYN J. DAWLEY
STEVEN A. DAWLEY
JEFFREY W. DAY
JOHN K. DAY
BRYAN R. DEAROLF
DAVID L. DEATON
DEREK B. DEBOER
JEREMY A. DEBONS
GEORGE DEGENNARO
CHRISTOPHER T. DEITZ
AMANDA R. DELANEY
LANCE M. DENHAM
MICHAEL P. DESMOND
DAVID M. DESROCHERS
JAMES R. J. DIEFENDERFER
MARK S. DIETER
MICHAEL R. DILLON
DUSTIN D. DINOLA
CHRISTOPHER P. DIRKSCHNEIDER
DAVID P. DIZ
RAUL S. DOMINGUEZ
MICHAEL P. DONOVAN
KELLY J. DOSSENBACK
RONALD A. DRAKE
JAMES L. DRUMGOLE
DAVID M. DUCAZAU
JASON D. DUFFIE
JEFFREY R. DUNDON, JR.
GABRIEL R. DUNSTON
KEVIN P. DURKIN
JAMES P. DUVALL
WILLIAM T. DVORAK
VICTOR EBERLE
STEPHEN P. ECKHART
BRANDON R. EDGE
TERREANCE L. ELLIS
JAMES M. ELMORE II
JOEL P. ELY
DONALD W. EMERSON
JORDAN D. ENETE
RODNEY C. ERLER, JR.
SETH J. ERVIN
CARLOS A. ESQUIVEL
ADAM W. ESTES
CARLOS J. EVANS
HARRY C. EVANS III
CHRISTIAN O. EZE
CHAD S. FAES
JONATHAN J. FARACO
JONATHAN D. FARLEY
JEREMIAH W. FARWELL
CHARLES E. FATORA
MATTHEW A. FAY
BLAINE S. FELLONEY
JEFFREY M. FELLOWS
WILLIAM A. FENSTERER
JULIA M. FEYS
BRIAN W. FICHTER
JAVIER A. FIGUEROA
CHAD W. FISCHER
MATTHEW G. FISHER
WAYNE T. FITTS
SARAH M. FLAHERTY
SEAN C. FLANAGAN
SHELLINE S. FLOYD
KEVIN T. FLYNN
MARC E. FOREMAN
BRIAN A. FORSTER
ROBERT L. FRANKLIN III
JAMES E. FULKS
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CHARLES C. GALLAGHER III
MARK P. GALLAGHER
JAMIE S. GALUS
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STEVEN N. GANGLER
MATTHEW K. GARCIA
OMAR J. GARCIA
DAVID A. GARRETT
JOHN K. GARRETT
NOMER I. GATCHALIAN
JUSTIN F. GERLE
ALI H. GHAFFARI
JONATHAN T. GIBSON
BRADLEY L. GILBERTSON
PRESTON W. GILMORE
JASON N. GLAB
JOHN Q. GODBEHERE
SCOTT R. GOLICH
ANDRE M. GOMEZ
JOSEPH P. GORGOL
LORA M. GORSKY
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CHRISTOPHER GRANDE
BENJAMIN P. GRANT
MITCHELL P. GRANT
RICHARD B. GRANT
BRENDAN T. GRAY
SEAN P. GRAY
ADAM B. GREEN
TERRELL R. GROPP
JESSIE L. GROVE
DANIEL GROVER II
JAMERSON I. GROVES
MINDIE N. GUERRERO
NICHOLAS E. GURLEY
KEVIN R. HAGAN
JAMES C. HAGERTY
DAVID Y. HAILE
BENTLEY T. HALL
JAMES M. HALL
JON S. HALL
SCOTT A. HALVORSEN
ALISHA E. HAMILTON
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BRIAN H. HARRINGTON
CHARLES A. HARRIS II
ISAAC A. HARRIS
JACK A. HARRISON III
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DAVID K. HARTMAN
RUDOLF A. HAWKINS
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JOEL D. HEFFENTRAGER
RYAN C. HEINEMAN
BRANDON J. HEIRONIMUS
ANDREAS R. HELCHINGER
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MICHAEL HENDERSON
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KERRY P. HICKS
NICHOLAS S. HILL
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WILBUR R. HINES, JR.
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RYAN L. HINZ
SAMUEL HOARD
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QUINCY W. HOCHARD
JUSTIN J. HOFF
CALEB J. HOGG
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JENNIFER A. HUCK
FRANKLIN L. HUEBEL
CHRISTOPHER J. HUEBNER
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JESSE H. HUMPHRIES
BRADLEY N. HUNSAKER
BRANDON C. HUNTER
JACOB D. HURT
SCOTT J. HUSSAR
BARCLAY C. IMLE
DOUGLAS J. IVANAC
DILLON C. JACKSON
KRISTAFER Y. JARBOE
DEREK C. JASKOWIAK
BRANDON L. JENKINS
GREGORY A. JENKINS
ELAINE M. JENSEN
THOMAS G. JILLSON
BRIAN N. JINDRA
JOSEPH J. JOHANSEN
DAVID A. JOHNS
CLAY I. JOHNSON
DAVID L. JOHNSON
JADA E. JOHNSON
JEREMY M. JOHNSTON
DANIEL A. JONES
LUCAS M. JUNG
LINDSAY A. KAISER
JONATHAN J. KALBACH
JASON E. KALMAN
CHAD T. KALOCINSKI
JUSTIN M. KAPER
EREK A. KASSE
JAMES W. KAUBER
ERICK M. KEARNS
TODD M. KEITH
CHRISTOPHER S. KELLEY
COLIN K. KENNEDY
JUSTIN J. KENNEDY
MARK E. KENNEDY
CHRISTOPHER P. KENT
SHAWN P. KIERNAN
THOMAS Y. KIM
MICHAEL G. KING
RORY M. KIPPER
MICHAEL S. KISER
BLAKE A. KLINEDINST
BRYAN F. KOEHLER
THOMAS G. KOLWICZ, JR.
ANDREW J. KOPACZ
BENJAMIN J. KOSTKA
KEVIN A. KRAEMER
STEPHEN C. KRATOVIL, JR.
MATTHEW I. KRULL
ANDREW J. LABERGE
JOSEPH M. LAHER
KYLE P. LAMBERT
JOSE M. LAMBERTY
STEPHEN V. LAMOURE
ALEXANDER R. LANE
JONATHAN W. LANG
RICHARD W. LANG III
GREGORY A. LANGSTON
MICHAEL M. LANZILLO
ADAM C. LAREAU
MICHAEL W. LAROW
DAVID R. LASH
DAVID J. LATTA
CHRISTOPHER LAUFMAN
JEFFREY B. LAVERY
JIMMY L. LAWTON
MICHAEL B. LEE
JONATHAN D. LEEWARNER
GREGORY E. LEVEQUE
MARK J. LEVIN
ROBERT P. LEWIS
MARK T. LICKTEIG
CASEY K. LIGGETT
ANTHONY W. LIKE
RICHARD B. LITCHFIELD
PETE S. LOGSDON
JOSHUA J. LOSTETTER
REBECCA G. LOUREIRO
JAMES E. LOW
JOHNNY R. LYKINS, JR.
STEVEN A. MACGILLIS
ANDREW D. MACK
ROBERT A. MACK
ADAM M. MADSON
JACOB E. MAGAN
RYAN E. MAGEE
LAWRENCE J. MAHAN
PETER A. MALLORY, JR.
KYLE P. MALONE
LAWRENCE D. MALONE
KRISTA R. MANN
ABRAHAM B. MARCELO
ROBERT B. MARCUM II
ALAN T. MARDEGIAN
JEFFREY D. MARGALUS
GREGORY A. MARK
RYAN J. MARKEY
SCOTT G. MARSH
STUART S. MARSHALL
CHAD C. MARTIN
THOMAS J. MASHUDA
LABRISHA A. MASON
JACOB S. MATTHEISEN
RYAN T. MATTSON
CHRISTOPHER L. MAURER
JASON A. MAYS
RYAN R. MCALLISTER
NEVIN A. MCCHESNEY
JAMES R. MCCLURE III
BARRY N. MCCONNELL
KEVIN S. MCCORMICK, JR.
TAMMY S. MCCREARY
SEAN H. MCCRINK
ROBERT J. MCDOWELL, JR.
JOHN K. MCGEE
MICHAEL S. MCGINNIS
MITCHELL D. MCGUFFIE
DEREK W. MCHANEY
RICHARD P. MCINNIS
MICHAEL M. MCLEAN
ROBERT J. MCMILLAN
RICHARD W. MCMUNN
DANIEL J. MCNAB
ROBERT E. MCNAMARA
SUSAN P. MENDENHALL
ROBERT B. MERRITT
NICHOLAS A. MEYERS
JACOB G. MILLER
RYAN P. MILLER
SCOTT T. MILLER
TIMOTHY L. MILLER
COREY L. MILLIS
DENNIS J. MILSOM, JR.
JOHNNY L. MINCEY
MICHAEL V. MINERVINI
RODRIGO D. MIRANDA
RICHARD C. MOEBIUS, JR.
SEAN D. MOLLAHAN
MATTHEW C. MONNIG
CURTIS V. MONTANO
DANIEL S. MONTGOMERY, JR.
FRANCIS R. MONTOJO
TRAVIS A. MONTPLAISIR
TROY A. MOONEN
PHILLIP J. MOORE
CHRISTOPHER W. MORRIS
RICHARD J. MORRISSEY
JOHN S. MULLEN
MICHAEL E. MULLEN
JEFFERY J. MURAWSKI
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WILLIAM F. MURPHY
THOMAS J. MURRAY III
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BRIAN L. MUSFELDT
STEPHANIE E. MUSKOVAC
ALLEN G. MUSSER
ANDREW H. MYERS
STEVEN J. MYERS
KONSTANTINOS T. NAKOS
KELECHI R. NDUKWE
MATTHEW R. NEWMAN
PAUL W. NICKELL
JULIO A. NILSSON
WAYNE R. NIMMO
MATTHEW W. NOLAND
DREW T. NORMAN
CHRISTOPHER M. NORRIS
NICHOLAS C. NORRIS
JUSTIN M. NOVAK
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JEREMY L. NUTTALL
DANIEL J. OBERLANDER, JR.
COREY D. ODOM
MISTY W. ODOM
MICHAEL OLIVER
VJ OMUNDSON
PATRICK C. ONEILL
JESSE A. OREBAUGH
KARL S. ORTHNER
CARLOS A. OTERO
JARED M. OTT
JUSTIN R. OTT
DAVID R. OWENS
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LEWIS J. PATTERSON
CHRISTOPHER R. PEACE
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JEREMIAH N. PETERSEN
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JOHN C. PETRASANTA
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CHRISTOPHER W. PETRO
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DYLAN G. PORTER
THOMAS D. PORTER
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ROBERT A. PRINCE
JAMES T. PROSEK
SCOTT J. PURCELL
JOHN P. QUALTERS
DEREK A. RADER
JARED S. RAFTERY
JEREMIAH N. RAGADIO
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WALTER A. REYNOLDS
BRIAN M. RHOADES
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NOAH S. RICH
GRANT H. RIEDL
DARIN R. RIGGS
DAVID P. RILEY
KEVIN F. RILEY
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CLAYTON V. ROBERTS
COLIN M. ROBERTS
MATTHEW J. ROBERTS
SPENCER A. ROBERTS
LATISHA R. ROBINSON
MATTHEW J. ROMERO
PATRICK H. RONAN
CALEB B. REREX
LORI E. ROSE
SCOTT J. ROSE
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EMILY Y. ROYSE
GARY J. ROZNOVSKY
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RONALD H. RUMFELT
SETH A. RUMLER
JOHN P. RUMMEL IV
MATTHEW D. RUNZEL
EDISON C. RUSH
DAVID E. RUTTER
ROBERT J. RUZICKA II
AMY V. SADEGHZADEH
JOSEPH W. SALLEE
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FRANK C. SANCHEZ
WILLIAM P. SANDERS
DAVID C. SANDOMIR
HOUSSAIN T. SAREINI
MICHAEL J. SARRAILLE
PHILLIP J. SAUTTER
NATHAN R. SCHNAIBLE
BRENNA L. SCHNARS
BRYAN W. SCHNEIDER
JACOB P. SCHOFIELD
KRISTOPHER J. SCHULTE
JEFFREY R. SCHWAB
SAMUEL M. SCOVILL
BRYAN D. SCULLIN
JAMIS M. SEALS
MARCUS H. SEEGER
CHRISTOPHER M. SEGUINE
JEFFREY T. SERVELLO
TIMOTHY F. SHANLEY
PATRICK K. SHANNON
JAMES S. SHARROW III
DAVID B. SHAULIS
BRADLEY E. SHEMLUCK
PHILLIP J. SHERIDAN
JAMES W. SHEY
MICHAEL S. SILVER
JON P. SILVERBERG
RODRIGO B. SIMOES
JASON M. SIMON
WESLEY A. SIMON
ANDREW J. SIMONS
PAOLO J. S. SINGH
VARUN SINGH
JOHN S. SKINNER
PATRICK W. SKORA
RICHARD B. SLADE
JONATHAN J. SLAGER
LEE M. SMALLWOOD
BENJAMIN M. SMITH
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JAMES L. SMITH
JUSTIN R. SMITH
LANCE SMITH
MOSES SMITH
NICHOLAS H. SMITH
NICKLAUS G. SMITH
SCOTT J. SMITH
STEPHEN M. SMITH
STEVEN R. SMITH
JOHN W. SOKOL
JOHN P. SORENSEN
ADAM C. SOUKUP
ANDREW H. SPARKS
GARY W. SPIER
NATHAN D. STAFF
BARCLEY W. STAMEY
PETER STAVRIDES
PAMELA M. STEFANSKI
SEAN A. STEIN
JAMES E. STEWART
SCOTT N. STEWART
KATE S. STOCKTON
GARTH W. STORZ
NICHOLAS M. STRELCHUK
JAMES R. STRUCK
EPIPHANIOS C. STYLIANOS
TIMOTHY S. SULICK
JESSICA SWANSON

MATTHEW A. SWARTZWELDER
DANIEL J. SWEATMAN
STEPHEN J. SWEENEY
BRANDY V. SWINKO
MICAH T. SYBOR
CHRISTOPHER M. TABERT
JOSEPH D. TANNER
DONALD TAYLOR
CHRISTOPHER T. TERZIAN
TIMOTHY A. TETI
DANIEL J. THOMAS
DARRIEN THOMAS
JEFFREY W. THOMAS
JAMES R. THOMPSON
ANDREW W. TOLL
BRADFORD C. TONDER
CHRISTOPHER P. TURMEL
JAMES G. TUTHILL III
DANIEL V. TYLER
HECTOR G. UBINAS
PHILIP S. UJIIE
MATTHEW R. VANCE
JAMIE E. VANDYKE
THOMAS H. VANHOOZER III
DAVID A. VANKAMPEN
JOSHUA A. VANNYHUIS
ANTHONY J. VESPA
JAMES E. VIK
ROBERT W. VILLANUEVA
BENJAMIN F. VISGER
JOEL R. VOSS
GORDON D. WALKER
ROBERT A. WALLS
MATTHEW W. WALTERS
BRET A. WALTHER
ROBERT W. WARD
SEAN C. WASHINGTON
JEREMY L. WATKINS
CLINTON W. WATT
CHRISTOPHER D. WEAVER
WILLIAM L. WEBB
DAVID I. WEINMAN
SEAN M. WELCH
MATTHIAS H. WELLES
JASON C. WENZEL
CHARLES R. WEYDERT
BLAKE T. WHETSTONE
JOHN R. WHITEHEAD
SEAN E. WHITEMAN
LUKE R. WHITMORE
ADAM R. WHITT
STEVEN S. WHITWORTH
JUSTIN R. WIESEN
NICHOLAS A. WILLET
RYAN S. WILLETTE
WALTER G. WILLIAMS, JR.
JAMES M. WILLIS
ANTHONY M. WILSON
CAMILLE C. WILSON
JOSEPH A. WILSON
KEVIN W. WILSON
DERICK W. WINGLER
BRANDON R. WINTERS
MICHAEL K. WINTERS
KEAGAN J. WISDOM
MICHAEL A. WITHERILL
JOSHUA P. WOLF
CHRISTOPHER W. WOLFF
GARICK D. WOOD
ROBERT E. WOODARDS
RICHARD H. WOODWARD
ANDREW J. WOOLLEY
JOSHUA R. WOTEN
ALEXANDER L. WRIGHT
EVAN P. WRIGHT
GRANVILLE C. WRIGHT, JR.
COBURN F. YEARIAN
MARK E. YEDLOWSKI
CRISTOBAL YERA
DAVID A. YOKERS
DAVID C. YOON
DEREK W. YOUNG
EVAN T. YOUNG
NEAL A. YOUNG
WARREN L. ZELAYA
JOSHUA P. ZELFER
DAVID F. ZERDA
SHANE M. ZIMMERMAN
MAXWELL V. ZUJEWSKI

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JENNY R. YANG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2017, VICE STUART ISHIMARU, RESIGNED.

UNITED NATIONS

JOHN HARDY ISAKSON, OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF THE INTERIOR

KEVIN K. WASHBURN, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE LARRY J. ECHO HAWK, RESIGNED.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER-MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

KIMBERLEY SHERRI KNOWLES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 2012:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 15, 2015.

STEVEN H. COHEN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013.

THE JUDICIARY

GERSHWIN A. DRAIN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAUL W. HODES, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

JAMES XAVIER DEMPSEY, OF CALIFORNIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2016.

ELISEBETH COLLINS COOK, OF ILLINOIS, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2014.

RACHEL L. BRAND, OF IOWA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2017.

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2013.

DEPARTMENT OF THE TREASURY

MATTHEW S. RUTHERFORD, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

UNITED STATES INTERNATIONAL TRADE COMMISSION

MEREDITH M. BROADBENT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2017 .

DEPARTMENT OF THE TREASURY

MARK J. MAZUR, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF JUSTICE

DANNY CHAPPELLE WILLIAMS, SR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL JOHN PEABODY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEAN SULLIVAN, OF CONNECTICUT, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2015.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. MARK A. WELSH III

DEPARTMENT OF STATE

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

DEBORAH RUTH MALAC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

THOMAS HART ARMBRUSTER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

DAVID BRUCE WHARTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

GRETA CHRISTINE HOLTZ, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

ALEXANDER MARK LASKARIS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

MARCIE B. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER—MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

JOHN M. KOENIG, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

MICHAEL DAVID KIRBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

GERD F. GLANG

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

MICHAEL S. DEVANY

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

DAVID A. SCORE

EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA K. FALCONE, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS SKERIK SOWERS II, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH NARENDRAN CHANMUGAM AND ENDING WITH JANA S. WOODEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH THOMAS J. BRENNAN AND ENDING WITH THOMAS PEPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 20, 2012.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

INGRID A. GREGG, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017.

JAMES L. HENDERSON, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017.

DEPARTMENT OF STATE

JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER—MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

THE JUDICIARY

KIMBERLEY SHERRI KNOWLES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.