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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 27, 2012, at 2 p.m.

Senate

MONDAY, NOVEMBER 26, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Almighty God, You give light to those who are in darkness. Shine Your light in this Chamber so that our lawmakers may do Your will. As they search for common ground, guide their feet into the way of peace. Lord, give our Senators a heightened sense of the special role You have for them to play in the unfolding drama of American history. Use them this day for Your glory.

Lord, we ask that You would comfort the families who lost loved ones in the tragic west Texas train collision.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SCHEDULE

Mr. REID. Mr. President, at 5:30 today, all postcloture time on S. 3525, the Sportsmen's Act, will have expired. There will be two rollcall votes at that time. The first vote will be on a motion to waive the Budget Act. The second will be on passage of the bill, as amended.

COMPROMISE

Mr. REID. Mr. President, in the weeks since our country voted to return President Obama to the White House and a Democratic majority in the Senate, I have spoken often about compromise. I remain optimistic that when it comes to our economy, when it comes to protecting middle-class families from a whopping tax hike come January 1, Republicans and Democrats will be able to find common ground.

President Dwight Eisenhower, a Republican, once said:

> People talk about the middle of the road as though it were unacceptable. . . . There have to be compromises. The middle of the road is all of the usable surface.

So said Dwight Eisenhower. Too often Republicans and Democrats in Washington face off from our entrenched positions, never realizing the solutions to this country's problems rest not on one side of the aisle or the other but somewhere in the middle.

However, as we continue negotiating a responsible path forward, I remind everyone within the sound of my voice of one fact: This Congress is already one vote away from avoiding the fiscal cliff for middle-class families and small businesses. We could solve the greatest economic emergency facing the Nation today if only the House would consider the Senate-passed bill freezing tax rates for 98 percent of American families and 97 percent of small businesses.

As Thomas Jefferson said, ''We should not put off tomorrow what we can do today.'' Our legislation would give economic certainty to the middle class, protect important tax deductions for families and businesses, and restore

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

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balance by asking the most fortunate among us to pay a little extra to reduce the debt.

It is also the only bill with a chance of being signed into law by President Obama. I was dismayed to hear Speaker BOEHNER once again urge the Senate to take up the House-passed bill extending more tax breaks for millionaires and billionaires. The Senate has already considered that bill. We rejected it on a bipartisan basis.

So for the Speaker to say, bring it up, we already have. It was voted down in this Congress. The Senate has spoken. President Obama has spoken. He has promised he will not sign any bill that mortgages our future to pay for handouts for the wealthiest 2 percent of Americans.

I only hope the House Republicans have been listening. I also hope my colleagues, Republican and Democratic Members of the House and the Senate, used the Thanksgiving break not only to give thanks but also to reflect on the monumental tasks ahead. I hope they took time to reflect, too, on the effort it will take to complete these tasks.

As President Eisenhower said, there will have to be compromises, and seeking the middle of the road is not just acceptable, it is the only way forward.

ORDER OF BUSINESS

Mr. President, let me say a few words about the schedule. Discussions continue on the Defense authorization bill. I just finished a conversation with the chairman of the committee, Senator LEVIN. Republican Senators have been having disagreements among themselves on what they want to do on the Defense bill. Thus, while these discussions are going on, I intend to move to proceed to the Carcieri decision affecting Native Americans. I will file cloture on the motion to proceed on the motion to invoke cloture on Wednesday.

Tomorrow, I intend to move to proceed to executive session to consider the disability treaty. We will seek a reasonable agreement on amendments to this matter. If on Wednesday cloture is not invoked on the Carcieri matter, I would intend to figure out some way, with the help of Senator MCCAIN and others on the other side, to return to the Defense bill under the tentative agreements we have had on that before. It is up to Senator LEVIN and Senator MCCAIN to figure out a way forward on that. I am willing to work with them as to what is reasonable this late in the game.

RECOGNITION OF THE MINORITY LEADER

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

REAL AND LASTING REFORMS

Mr. MCCONNELL. Mr. President, as most Americans know by now, the next few weeks are critically important in the life of our Nation. Unless the President leads and Congress acts, the combination of automatic tax hikes and spending cuts will go into effect that could have a devastating effect on our national defense and on an already painfully slow economy.

What is more, the Nation's finances are teetering on the edge, threatening even greater hardship for literally millions unless we bring Federal spending into balance. The question is, What are we going to do about all of this? How do we face up to the fiscal irresponsibility and can kicking that got us here and finally do what is right for the country?

I do not think it is a secret that for our part the Republicans have shown a clear willingness to make tough choices in order to find a solution to the trillion-dollar deficits of the last 4 years. We have been open to revenue by closing loopholes, as long as it is tied to spending cuts and progrowth tax reform that broadens the base and lowers rates.

This is the model laid out by the Bowles-Simpson Commission, and it is a model both parties should step forward and embrace. Without compromising our principles, we have put skin in the game and recognition of that while Democrats do not run this town, neither do we. We have been responsible even as we have remained firm on this point: No tax increases now for promised spending cuts that will not materialize later. The American people have seen that game before and they will not be fooled again.

The only balanced approach is one that includes real and lasting reforms. So Republicans have stepped out of our comfort zone. We have been clear about what we will do and what we will not. Yet we remain at an impasse, leading us to ask why. Because a vocal minority on the hard left continues to argue to leaders of their party, from the President on down, that Democrats in Washington should do absolutely nothing about short-term or long-term spending problems.

This is the ''Thelma and Louise'' crowd, the ones who dream about higher taxes and the bigger government it will pay for, regardless of the impact on jobs or the economy or America's standing in the world. These are the ones who recklessly ignore the fact that we cannot continue running trillion-dollar deficits every year and throw a tantrum if somebody suggests that maybe the taxpayers should not keep subsidizing every last program Washington ever dreamed up.

Their reckless and ideological approach threatens our very future. Anyone who is serious about solving the problems we face should ignore all that, starting with the President. The election is over, but the economy and fiscal problems of the past several years have only gotten worse. It is time for the President to present a plan that rises above these reckless and radical voices on the hard left, that goes beyond the talking points of the campaign trail, and that has a realistic chance of passing the Congress. The time, in other words, for campaigning is over. It is time for the President to lead.

A little over 1 week ago, I attended a meeting with the President down at the White House. It was positive and productive and afterward I was confident that all sides were eager to figure out a solution to the present challenges that respects our respective principles. But as I have said repeatedly, the only person in America who can make or break it is the President himself.

He is the only one who can lead his party to do something they would not ordinarily do, to do what is actually needed now. That is why he is the one who has to present a plan for success. So we will continue to wait on the President and hope he has what it takes to bring people together and forge a compromise. If he does, we will get there. If he does not, we will not. It is that simple.

CHANGING SENATE RULES

Mr. MCCONNELL. Mr. President, I would like to turn to another issue that does not grab as many headlines as these others we have been focused on these last few days but which is critically important since it relates to the mortal threat that has been quietly gathering against one of the most cherished safeguards of our government.

I am referring to the latest effort by some on the other side, most of whom have never served a day in the minority, to force a change in Senate rules at the beginning of the new year that would fundamentally change the character of the Senate. This is no exaggeration.

What these Democrats have in mind is a fundamental change to the way the Senate operates for the purpose of consolidating their own power and further marginalizing the minority voice the Senate was built to protect.

In the name of efficiency, their plan is to use a heavy-handed tactic that would poison party relations even more. In the name of efficiency, they would prevent the very possibility of compromise and threaten to make the disputes of the past few years mere pillow fights. To understand why, let me explain in a little more detail what is being proposed.

What this small group of primarily Senate sophomores is now proposing is that when the Senate gavels in at the beginning of the new Congress, a bare majority of Senators can disregard the rule that says changes to the Senate rules can only be approved on the same broad bipartisan basis we reserve for approving treaties and overriding Presidential vetoes, a supermajority plus.

Lyndon Johnson once said of the 67-vote threshold for changes to the rules that it ''preserves indisputably the

character of the Senate as the one continuing body in our policy making process.''

Senator REID himself once described changing the Senate procedure by majority fiat as ''breaking the rules to change the rules.''

What is being proposed now would undermine the very purpose of the Senate as the one place in our system where minority views and opinions have been respected and heard and, in most cases, incorporated into law.

Until now, you could say that protecting the rights of a political minority has always been the defining characteristic of the Senate. That is why Members of both parties have always defended it whether they were in the majority or minority, because they knew the Senate was the last legislative check against the kind of raw exercise of power majority parties have always been tempted to wield.

The CONGRESSIONAL RECORD contains literally mountains of reverential statements by Republicans and Democrats extolling the near-sacred character of the Senate as the one legislative body on Earth that protects minority views from majority rule, and it requires supermajorities for anything significant to become law.

Why is that? So that majorities can't simply roll over those who disagree with them, and, just as important, so majority parties are forced to resolve the great issues of the moment in the middle, ensuring their stability and their permanence. It is this mechanism that has so frustrated majority parties over the years but which has ensured, at least most of the time, that our laws are stable and not subject to change every time the parties change power. This is what makes the Senate different. This is what makes this body great.

Up until recently many of those who now want to change these rules agreed with what I just said. Just a few years ago, as I have already indicated, the majority leader was one of the staunchest defenders of the Senate's protection of minority rights for all of the reasons I have mentioned. Yet now he finds himself frustrated with those rules he once championed. He is prepared to recklessly throw those rules away and his own solemn pledges to defend them.

On December 8, 2006, the majority leader made a public pledge to fight all efforts to change all rules protecting the minority once he became the majority leader. It is a pledge he repeated during another proposed rules change 2 years ago. I wish to quote in full what the majority leader said that day because in light of his words, it is hard to believe what he is proposing to do now.

Here is what he said:

> As Majority Leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years the rules of the Senate have protected the American people, and rightfully so. The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks, but I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country. It is often said that the laws are ''the system of wise restraints that set men free.'' The same might be said of the Senate rules. I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no ''I've got you,'' no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

That is the end of the quote from my friend, the majority leader, just a few years ago. He acknowledged that ''the Senate was not established to be efficient,'' but rather ''to make sure that minorities are protected.'' With this fundamental purpose of the Senate in mind, he pledged he would do everything he could to preserve the traditions and rules of this institution that he loves.

It is hard to imagine a clearer pledge than that, and I am afraid that going back on it now would have such a corrosive effect on comity that it would threaten our ability to get anything accomplished around here.

Let's be clear: The rules change that is being proposed is not an affront to me or to the Republican Party. It is an affront to the American people. It is an affront to the people who sent me and the other 46 Republicans here to represent them in the Senate, but these voices would be shut out if the majority leader and this cohort of shortsighted Senate sophomores have their way and permanently change this body.

At the moment Republicans represent the voters of 31 States, representing a total population of more than 180 million Americans. Shutting off our right to express the views of our constituents, as is being proposed, would effectively shut these people out of the process. What the majority leader and his cohort of Senators, who don't seem to understand what the Senate was intended for, are proposing would guarantee that the one sure means our constituents now have of being heard in Washington would be gone.

If a bare majority can proceed to any bill it chooses, and once on that bill the majority leader, all by himself, can shut out all amendments that aren't to his liking, then those who elected us to advocate for their views will have lost their voice in this legislative process. This is something the majority leader used to understand. He used to understand that protecting the rights of the minority party meant protecting the rights of the people who sent us here to be heard in Washington. He understood the importance of defending the minority view when he was in the minority. Now that he has been in the majority he seems to have conveniently forgotten all of that.

The people of Kentucky elected two Republican leaders to the Senate. Does the majority leader think the views of the people of Kentucky shouldn't be heard? Does he think Nevadans who sent Senator HELLER to the Senate shouldn't be heard? Does he believe that on the day he finds himself in the minority once again that he should no longer be heard? Or does he think that Democrats will remain in the majority from now until the end of time?

For the past several years many of us on the Republican side have raised loud objection to the diminished rights of the minority to participate in the legislative process around here. Democratic leaders have tried in more ways than one to silence those with whom they disagree. They have blocked Members, including their own committee chairmen, from expressing themselves in committee through unprecedented use of Senate rule XIV, which allows them to bypass committees altogether.

They have blocked Members from expressing themselves through an unprecedented use of filling the amendment tree, which prevents the Senate from considering amendments the majority leader doesn't like. No amendments in committee, no amendments on the floor.

The majority leader made this clear to Senator MCCAIN in a remarkable moment of candor when he bragged that the ''amendment days are over.'' He has preferred to write legislation in the confines of his conference room rather than in the public eye, as he did most famously with the drafting of ObamaCare.

I say to everyone: If you want more legislation around here the way that bill was crafted, then you ought to be pretty enthusiastic about what the majority leader is proposing because that is where this is headed, more authoritarianism, more secrecy, and even less input from rank-and-file Members on both sides of the aisle.

As I said, we have protested all of this and have spoken out loudly against the abuses of the Senate. But now the majority leader wants to go even further. He doesn't propose to simply abuse the rules, he wants to break the rules and his own very public pledge to defend those rules at all costs. Make no mistake, what the majority leader is proposing is a Senate where the only rule is his whim; where the rest of us are bystanders, including the Members of his own party.

Do the Democrats really want to go down this road? Do they really think they are going to be in the majority forever? We have Members from both parties who used to serve in the House of Representatives, Democrats and Republicans, who said to me they thought the Senate was different.

I don't care whether you are a Republican or whether you are a Democrat, you came to the Senate because you knew that here you could make a difference for your constituents; here you would be heard; here you could offer amendments; here the minority was protected; here the majority leader had to work with the other side.

What even Senate Democrats have discovered over the past few years is a very different place—a place where committees no longer matter, where Members of both parties are shut out of the debate and where bills are drafted behind closed doors, where politicians trade favors in secret instead of exchanging ideas in public just to get legislation across the finish line.

When I come to the Senate every day I know I work in a body of people who have different views than I do about the role of government and the best solutions to the problems we face. But I know the price of belonging to this place is having to hear them out and to vote on their ideas, and the price of belonging here is that they have to do the same.

The American people need to know what is going on here, and that is why I hope Republicans and many Democrats who care about this institution, rather than some temporary exercise of raw partisan political power, will come forward over the next few weeks and speak out against this naked power grab. When they do, I hope they will be guided by the words of another former Democratic Senator who said the following about the Senate and its uniqueness. This is what this former Democratic Senator said:

> The American people sent us here to be their voice. They understand that those voices can at times become loud and argumentative, but they also hope we can disagree without being disagreeable. At the end of the day, they expect both parties to work together to get the people's business done. What they do not expect is for one party, be it Republican or Democrat, to change the rules in the middle of the game so they can make all the decisions while the other party is told to sit down and keep quiet. The American people want less partnership in this town, but everyone in this chamber knows that if the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.

That Senate Democrat was President Obama. I don't often agree with President Obama on matters of policy, and the issue he was referring to here was different than this one. But the principle he expressed in defending his position then is one that I believe in wholeheartedly.

Let me sum it this way: For the sake of this institution and the future of the country, I implore Members on both sides to oppose this naked power grab strenuously and loudly. It may be the most important thing they ever do because the debates of the moment are passing, but the Senate must endure and nothing less is at stake.

Mr. President, I yield the floor.

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

Mr. REID. The one thing the Republican leader said that is absolutely true is I follow the Golden Rule, and it is very clear what has happened during this Congress. We can go over all the numbers—and I think they project what has happened—about the hundreds and hundreds of times that we have been forced to file cloture on relatively meaningless things.

My friend the Republican leader claims changing the rule to make the Senate more efficient is an assault on minority rights. In fact, it is a response to the abuse of the filibuster by Senate Republicans. He keeps talking about getting rid of the filibuster. I and no one on the Democratic side have proposed getting rid of the filibuster, but we have proposed making this place more efficient.

We had a run at this 2 years ago. We had a so-called gentleman's agreement that the motion to proceed would be filibustered rarely. We filibustered almost every time a bill came up, so that simply didn't work. I am not proposing that we get rid of the filibuster, just that we do away with filibusters on the motion to proceed, period.

To the average American, reforms are just common sense, Mr. President. Americans believe Congress is broken. Once again, the only ones who disagree are MITCH MCCONNELL and Republicans in Congress. The American people know, Democrats and Republicans, that this place isn't working and there needs to be some changes so we can proceed to get some legislation passed. We know that during the same time frame as Lyndon Johnson's 6 years—and I will have 6 years in the same position at the end of this year—I have faced 386 filibusters. It keeps going up because we had a couple more very recently. Lyndon Johnson had one. Today it takes more than a week—in fact, it takes about 10 days—to even begin considering a bill, before we are even on the bill, let alone trying to pass that legislation.

So it is time to get the Senate working again, not for the good of the current Democratic majority or some future Republican majority but for the good of the country. And as for these plaintive cries that we are getting rid of the filibuster, it simply isn't true. I believe in the filibuster. I believe in it. I believe in minority rights. The filibuster is not part of the Constitution. It is something we developed here to help get legislation passed, but now it is being used to stop legislation from passing.

So we are going to continue moving forward to make the Senate more efficient. Does that mean it will be really efficient? No, because we are changing one aspect of the filibuster rule. And what is that? We are going to change it so that it doesn't take us 10 days to simply get on a bill before we can start legislating. The American people know this is the right way to go. The only people who would think the Senate is working now with its obstruction at every step of the way are the Republicans.

Mr. President, I have said this before: Any change that has been suggested in these rules that we believe need to be changed wouldn't affect me if I were in the minority. I would have many opportunities to take care of the sparsely populated State of Nevada and take care of the other issues I want to defend. But we believe there should be one aspect of the Senate to change, and that is that the motion to proceed should be a nondebatable motion to proceed. It is as simple as that.

The American people agree. I repeat: The only ones who disagree, who think this Senate is working well, are the Republican leader and those Republicans in Congress.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I hope the majority leader will stay on the floor here.

I gather the way the majority leader proposes to effectuate this rules change is to violate the current rule of the Senate; in other words, to do it with a simple majority. You didn't address that issue.

Mr. REID. Of course his statement is untrue and I don't accept that.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

That is the point. What the majority leader is saying is he will break the rules of the Senate in order to change the rules of the Senate. It has been the case in the past that it took a supermajority of 67, which of course meant most rules changes occurred because the two leaders agreed to them and were proposing them jointly. Instead, what the majority leader is saying is he will propose to change the rules with 51 votes, meaning his side gets to decide what the rules are. The danger of that, of course, is let us assume—I know the majority leader thinks he is going to be the majority leader forever; he isn't. What if it is 2 years from now and what if my Members say, well, if 51 Democrats can change the rules of the Senate, why can't the Republicans? Why should we have to fiddle with these people in the minority?

What is the point? Why not just change the rules of the Senate and turn the Senate into the House?

That is why Lyndon Johnson felt so strongly that a rules change should require a supermajority of 67, not 60, thereby virtually guaranteeing that any significant changes in the way the body operates are done on a bipartisan basis.

Further, the majority leader calls anything a filibuster when he decides to file a cloture motion, which he routinely does on virtually every bill, and then complains because we are reluctant to go to the bill without some assurances we are going to be able to offer amendments.

So here is the way it works: The majority leader calls up a bill, he files cloture on the motion to proceed, we

enter into a discussion in order to get some understanding that we are going to have a chance to offer any amendments. And the reason we engage in that discussion is because throughout the last Congress getting to offer an amendment was kind of an unusual thing, because as soon as you get on the bill, the majority leader fills up the amendment tree, which means he alone gets to decide, he alone, out of 100 of us, gets to decide who gets to offer an amendment. In other words, he gets to pick our amendments for us.

Look, the motion to proceed has been an irritant to the majority leader. Had I been in his job, what I would have done is put somebody in the Chair, keep the person objecting here up all night and wear them down. We are almost never in at night. I can't remember the last time we had a vote on a Friday. It is pretty easy working in the Senate because we never use the fatigue factor to accomplish things.

We have actually had some examples, by the way, of doing things the right way. We had three bills earlier this year that, believe it or not, actually came out of committee, were actually supported by Democrats and Republicans in committee, who worked on the bill in committee, and they came out on the floor and were open for amendments and they actually passed: postal reform, the transportation bill, and the farm bill. All were handled in the normal way we used to do virtually every bill in the Senate. None of them were written in the majority leader's office, as far as I could tell. And the thing they all three had in common is they actually passed the Senate and Members felt as though they were invested in the process.

So, look, we don't have a rules problem, we have a behavioral problem. When the majority leader believes he gets to decide what happens on every bill, that is beyond the purview of the job he holds. What we need to do is start operating in a normal fashion which respects the views and involvement of all Members of the Senate in both parties. Is it a little bit harder to engage in these discussions? Yes, it is. It is harder. But to go out and decide to break the rules to change the rules because you might have to work a little bit harder to get where you are headed strikes me as a disservice to the institution and a disservice to the Senate.

Nobody is going to buy this notion about all these filibusters. He is filing cloture on the motion to proceed on day one. And the reason he has had to file cloture on the motion to proceed so frequently is because we can't get any assurance from the majority leader that we were going to be able to offer any amendments. That is the problem. We need to behave differently. That is the way to get this place functioning again.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I had the pleasure of serving with one of the greatest Senators in the history of this country, Daniel Patrick Moynihan of New York. He said people are entitled to their own opinions but not their own facts. And that is what my friend the Republican leader now has, his own set of facts which belies the record before the American people.

It is ironic the Republican leader complains about those who want to change the Senate rules. It is ironic because he has been at the forefront of abusing these rules for the past 6 years. It is ironic because when he was in the majority 7 years ago, he sought to change the rules to streamline votes on judicial nominations. He was part of that program. And it is ironic because he is one of a very small group of people who think the Senate is working just fine.

Rules change around here. They change. You know, it used to be to cut off a filibuster it took 67 votes. The Senate changed that because it became too burdensome.

I have said on many occasions, and I will say again here—and I have said this in public gatherings and private gatherings—these minor changes I am suggesting wouldn't affect anyone who had the thought of making America better, even if I were in the minority. To stop a filibuster on a motion to proceed to a bill—to take 10 days to just get on a bill—I don't think is good and we need to change that. So——

Mr. MCCONNELL. Will the majority yield on that point for a question?

Mr. REID. I will be happy to in one second.

The Republican leader keeps talking about not following the rules. We are following the Constitution of the United States to make these changes, and that is certainly appropriate.

Your question?

Mr. MCCONNELL. If this is such a reasonable rule change, why not work to try to propose it on a joint basis, subject it to the 61-vote threshold? That would honor the tradition that the Senate is a continuous body whose rules go from Congress to Congress. I mean, that is what has been unique about the way rules changes have been done around here.

Mr. REID. Mr. President——

Mr. MCCONNELL. And one further question, in addition.

Mr. REID. Sorry.

Mr. MCCONNELL. How would you feel if 2 years from now I have your job and my Members say, why don't we get rid of the filibuster with just 51 votes?

Mr. REID. I think that would be wrong, but we are not trying to get rid of the filibuster. We are changing a tiny aspect of what goes on around here so that people would have to do a couple of things: One is to not filibuster simply getting on a bill. And also, if they want to filibuster, they would have to stand and talk about it and not be in their office someplace.

Senator DURBIN just reminded me of one Republican Senator who forced us to be here over the weekend and he then left and went back to a wedding in his State.

I repeat for the third time, the only people who think the Senate is working really well right now are the Republican leader and Republican Senators because it is not working well. They have abused the process. They have abused something that was set up to help legislation get passed—the filibuster. They have abused it and now they filibuster on everything.

They can talk all they want about filling the amendment tree and all that, but that has no bearing on what is going on around here. We have tried to get things done. The Defense bill is a good example. I said, let's move to the Defense bill and they objected to it. They have been talking about it for months. I agreed to move to it, with no preconditions at all.

We have to do other things. We have a very short period of time here now, and everything around here is the bill stall. He talks about getting bills done. In this Congress we have gotten almost nothing done. We struggled through a highway bill that took 6 weeks. We spent months of our time on that dealing with contraception. We were able to work through that. We had a postal bill we spent a lot of time on here, and the House has put that in their garbage pile so that nothing has happened with that; the farm bill, the same thing.

We have gotten almost nothing done. Why? Because we have spent weeks—weeks—simply getting on a bill so we can start legislating. So if the Republican leader thinks things are going well here, he is in a distinct minority because things aren't going well around here. And I think an example, I repeat, is Lyndon Johnson's 1 cloture and HARRY REID's 386. That says it all.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, when I quote the Democratic leader, I use his exact words—his exact words—which I did throughout my comments. Yet he makes up words for me. I have never said the Senate is working fine. I think the Senate has been disastrously run for the last 2 years—disastrously run not because of the rules but because of the operation. And it is certainly not the fault of the Republicans.

Take the budget, for example, which can be done with a simple majority. We haven't had a budget in 3 years. The law says we are supposed to pass a budget. It doesn't say don't pass the budget if we don't want to; don't pass the budget if we might have to offer amendments. It doesn't say don't pass a budget if we might have to negotiate with the Republican House. It says, pass a budget. We also haven't called up a single appropriations bill.

Look, if one Senator has a problem going to a bill, file cloture on the motion to proceed. Had the majority leader done that on the Defense bill, it would have been approved overwhelmingly. He could have done that on a

Friday and it would have been approved on a Monday. The obstructionism he complains about is pretty easily overcome if we are willing to make the place work a little bit. Most people work Monday to Friday. Not us. The Senate used to be a nocturnal place because majority leaders of both parties would use the fatigue factor to grind down opposition coming from a few people. We almost never do that.

So don't get me wrong, I say to my friend the majority leader. I am not defending the way this place has been run the last 2 years. I think it is embarrassing. I have to apologize to my constituents for the way the place is run. But we had the same rules in earlier Congresses and didn't have the same problem.

We have always had a few Members on each side who wanted to exercise every one of their rights. When I first got here, Senator Metzenbaum from Ohio would stay out here on the floor and read every bill. He was a big problem. Nobody tried to change the rules. We worked this place.

What the majority leader conveniently continues to leave out is that it is not only the rule he wants to change but the way he wants to change it. He wants to establish the precedent that 51 Senators can change the rules, anytime they want to, to take away the rights of everybody else, which will fundamentally change this institution.

So no Senator should buy the argument that this is just a little bitty change about the motion to proceed. This is about the way rules will be changed in the Senate. No longer would a 67-vote threshold obviously bring the two leaders and their Members together to agree to rules changes, but anytime, on any whim, any majority leader wants to change the rules, 51 votes. This is no small matter. This is a big issue about the future of this country and how this institution ought to be operated.

Being majority leader is a tough job. You have cantankerous Members on both sides who want to exercise their rights. It has always been that way. But the way you get past it is you work the place, you make it function, you talk to people, you treat them with respect. The collegiality we used to have in this body has faded—faded because of the arrogance of power exercised by some. All of this is correctable because we in here are all human beings trying to do our best, trying to leverage the place in one way or another to seek some advantage. But that is the way the Senate has always been.

What I think we need is an attitude change. The election is behind us. Whatever short-term advantage the majority may have felt it had by protecting its Members from voting on almost everything is over. We don't need to have a perpetual election in the country. We have huge issues before us here at the end of the year, many of which will probably carry over into next year. It is a time that we ought to be building collegiality and relationships and not making incendiary moves that are damaging to the institution and could have serious ramifications on our ability to work together here at the end of the year.

So I would encourage my friend the majority leader to think thoroughly through whether this is the direction he wants to take this body. I believe it is a huge mistake. The American people sent us here to solve big problems, and we ought to be concentrating on trying to bring everybody together behind an agreement that hopefully could be reached before the end of the year to do really important work for the American people.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the election is over, and the American people listened to what we had to say, and they acknowledged without any question that the message we delivered is valid: The Senate is a dysfunctional body, caused by the Republicans. Democrats picked up seats in this Senate. The President was reelected by 2.5 million votes. We have an obligation to the American people to proceed and to get some things done.

My friend the Republican leader talks about the Golden Rule. I do believe in that. And I believe 2 years ago there were efforts made to change this body so we could get some things done. We were given the assurance that the motion to proceed would not be used in the way it has been used this time.

Any suggestion of changing the rules is within the framework of what we do here in the Senate and our Constitution. We have an obligation to continually update this body so that it becomes more efficient. That is the history of this country. And I think my friend the Republican leader has to acknowledge that things haven't been going very well. He just did that. The election is over. We need to proceed to get things done.

Incendiary moves? I have been facing incendiary moves for 2 years. We can't get anything done around here because of the Republican obstructionism. The American people recognize that. As I have traveled this country, people have said: Do something to change the Senate so we can get things done. And we are making a minor change to stop the motion to proceed that we were told 2 years ago they wouldn't use anymore. So we are going to change this rule so the Senate can become an effective body.

We have a bicameral legislature, and no one should suggest I don't understand that, and no one should suggest I don't understand the filibuster rule. I think I understand as well as anybody who serves in this body and perhaps, with the exception of Senator Byrd, anybody who has served in this body. If Senator Byrd were here, I would suggest to everybody here that Senator Byrd wouldn't like what is going on here, and he would work with us to get these rules changed, and that is why they need to be changed.

We can't continue like this. We took people's word that they would help us get things done here, and they rejected that. It was simply untrue. It was a falsehood. I know what I have said in the past, and I know what I have done in the past, and I think what we are doing is a positive step forward to do away with the motion to proceed so that they can't filibuster a simple motion to proceed, stopping us from getting on a bill, taking us 10 days to do that. That is wrong.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, it doesn't take 10 days to get on a bill. And what the majority leader has repeated now is that he is going to break the rules to change the rules, which is a wonderful way to start off the new Congress.

At a time when the American people would like for us to work together and to solve the huge issues that lie before us, the majority leader has chosen instead to break the rules to change the rules because he has had difficulty getting on bills. It is a sad commentary about where the Senate stands these days. I had hoped that going into the lameduck session, we would have an entirely different view of how to bring this place together and begin to solve the problems. So it is a sad day for the Senate. We will go forward as best we can under this extraordinary set of circumstances.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, no matter how many times my friend the Republican leader says ''break the rules to change the rules,'' it doesn't make it true because it is not true. We are going to follow the rules.

I would also say this: I was stunned by reading in a couple of the newspapers that a couple of Republican Senators said, paraphrasing: We are going to make things really tough around here. We are going to make things so bad if they take away our motion, causing me to file cloture on a motion to proceed. We are going to make things really difficult.

Really difficult, when the Republican leader said his No. 1 goal in this Congress was to defeat President Obama? And that is how they have legislated. Everything was to the effort of making sure Barack Obama did not serve again. There are a myriad of examples. Take this one. This is great to show how hard they worked to put the country on the right track. With about 1 million firefighters, police officers, and schoolteachers being laid off, we thought: We have had some decent—not wonderful—growth in the private sector and have gotten back millions of jobs. We decided, let's do something in the public sector that would really help stimulate the economy. So we decided to move to a bill that said that what we want to do is rehire those firefighters, police officers, and teachers,

and we are going to pay for it—no more deficit spending—we will pay for it by having a surtax on people who make more than $1 million a year, and that surtax is three-tenths of 1 percent. They stopped it. They stopped it dead in its tracks. Every Republican voted against it. That is the way they have legislated this entire year. And by our getting rid of the motion to proceed, that we are turning the country upside down is ridiculous. It is not true.

They have legislated with the effort to defeat Obama. He won by 2.5 million votes, 327 electoral votes—overwhelmingly—even though they did everything they could to stop him from being reelected. Everyone knows what a failure this Congress has been because of what the Senate has done, and that is nothing. Nothing. No job creation—they didn't want that. If we had had the ability to create jobs, it would have helped Obama and it would have helped the country, but, no, that wasn't what they wanted to do. And a terrible day for them several months ago—can you believe the Supreme Court declared ObamaCare constitutional? I mean, talk about a disappointment. This whole year was a disappointment for them because they weren't able to stop Obama from being reelected even though they did everything they could to prevent him from being reelected, and then ObamaCare was declared constitutional.

No, we are not going to break the rules to change the rules. We are going to follow the rules to make a couple of minor changes to make this place more efficient. That is what the Senate has always been about, is revising itself to become more efficient. And the threats that come from the other side: We are going to make you Democrats suffer more; if you do this, it is going to be terrible—What more could they do to us?

It is pretty simple. The math isn't that difficult. Get the bill on the calendar, file cloture on a Tuesday, have a cloture vote on Thursday. We are finally on the bill. They get 30 hours for that. I maybe exaggerated a day or two, but it puts us way into next week before we even get on the bill.

So we are doing what is right for the country because the American people want us to do what is right for the country. And to do what is right for the country is to change the rules of the Senate a little bit so that we can do something meaningful for the country.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have listened closely in this debate because it literally affects my career, my life, and the lives of all the Members of the Senate. It is worth a minute or two to understand what we are talking about in the context of history.

It was President Woodrow Wilson who said to the Congress: We want to arm the Merchant Marine of the United States, to put guns on Merchant Marine ships, before we were engaged in World War I, to protect those ships from being destroyed or sunk by the warring parties in World War I. He sent that request to Congress, and it was stopped by one Senator. One Senator in those days could stand up and say: I object. End of story. But President Wilson said: That is an outrage, that one Senator can say that and stop even the consideration of a measure to protect American lives and our Merchant Marines. And he created this firestorm of public opinion. So they created a Senate rule called the cloture rule, and the cloture rule said that if two-thirds of the Senators voted in disagreement with that objector, then the Senate would go to the measure. So what was originally an objection by one Senator, characterized as a filibuster, could be cut off and the Senate could resume its activity and its business by a two-thirds vote.

That was passed by the Senate in 1917, almost 100 years ago. Over the span of time since, there have been some changes in that. In the 1960s, during the civil rights debate, it was decided to reduce that number from two-thirds of the Senate—67 in those days—to 60. So 60 votes were needed in order to successfully file a cloture motion to end the filibuster. It was an interesting exercise but one that happened very rarely. I asked the staff to send me a list of all the cloture motions that were filed to stop filibusters since 1917. In the first 50 years after 1917, there were about 50 cloture motions—50 years, 50 motions, averaged about one a year. What has happened in the most recent years? In the 2007–2008 Congress, there were 139 cloture motions in that 2-year period; the next 2-year period, 2009–2010, 137 cloture motions; and in this current session, 2011–2012, 110. So what used to happen once a year is now happening over 120 times a year on average. What used to be a rare occurrence has become commonplace, and it is destroying this institution.

I am told people across America who have cable television and who have C–SPAN of the Senate are calling the cable operators asking for a refund because nothing is happening on the Senate channel. They are hearing the melodious, mellifluous voice of the great clerk of the Senate reading Senator AKAKA's name every once in a while in a quorum call, and they are wondering: Why am I paying a cable TV carrier for this? Why isn't the Senate working? Why aren't they doing something?

It is because we are stuck in a filibuster—time after time after time.

I go home, and I bet the Senator does, too, when he goes home to Delaware, and they say: What about that Jimmy Stewart movie, ''Mr. Smith Goes To Washington''? I saw that movie. Didn't that poor man have to stand at his desk and hold the Senate floor until he crumpled in exhaustion? Why don't we see that anymore?

The honest answer is there was some artistic license in that movie. The more honest answer is we have reached the point now with the filibuster where one Senator can stand and object to what is about to occur in the Senate and stop the Senate from what it is doing for at least 30 hours until there is a vote to resume business.

Let me give two examples in my recent memory of how this played out. It was only a couple of years ago when we were closing a weekly session and a last-minute request was made to extend unemployment benefits to millions of Americans. We thought we had an agreement, Democrats and Republicans. We were ready to leave town.

The junior Senator from Kentucky—not the majority leader, Senator Bunning—stood when this measure came up to extend unemployment benefits and said ''I object.'' By saying ''I object'' he stopped the payment of unemployment benefits to millions of Americans.

At that point I came to the floor and said: Explain it.

He said: I just don't think we should do it.

I said: Shouldn't we just go to a rollcall and you can vote no?

No, I object to it.

And they were about to expire over the weekend.

So I said to the Senator from Kentucky: I am staying on the floor, and I am going to keep renewing the request, and you better stay, too, because when nobody is here to object we are going to extend those unemployment benefits.

Members came to the floor to support me. At one point, late in the evening, the Senator said: It is 10 o'clock. I want to get home and see the University of Kentucky Wildcats basketball game. Why do you keep me here?

It is true. Check the RECORD.

Another time, a Republican from South Carolina, a Republican Senator, said: I object going to a vote on the Senate floor—forcing us to stay in session through Friday and vote on Saturday morning. This was Thursday night.

I don't disagree with the Senator from Kentucky. There is nothing wrong with our working 6 days a week and working nights too. So we did. We stuck around.

Then came the Saturday vote, and we looked for the objector, and the Senator who objected did not return for the vote. He said he had to stay home, that there was a wedding he had to attend. So the rest of us had to stay and show 60 votes.

One of the rules changes that Senator REID is proposing would basically eliminate that. Here is what it boils down to: If you think it is important enough to stop the business of the Senate, if you think your objection is sufficiently serious to stop the business of the Senate, park your fanny on the floor of the Senate and object and don't get up and go out to dinner, don't get up and go to a basketball game, and don't go home for a wedding. Stick around and show us how serious you

are about this. If it is not worth your time, then it is not worth it for the Senate to stop its action and its business.

The talking filibuster rule says if the majority of the Senators vote to go forward with the debate, but it does not hit the 60-vote level, then if you are the objector, stay on the floor. If it is important enough for you to stop the Senate, stay here or get an ally, a colleague, to stay with you to cover the floor because when you leave we are going to renew the request to go back to that measure. If it is not worth staying on the floor to object, then it is not worth stopping the business of the Senate.

I think that is pretty reasonable. Yes, I would say to the Senator from Kentucky, I would live by that rule in the minority, which would mean I would not object unless it really meant something, unless it were worth my time and the time of the Senate to stop that action.

That is what this is about. How mindless it has been to watch this Senate lurch from one cloture vote to another, from one filibuster to another, 386 times in the last 6 years. What a colossal waste of time and energy and talent.

I am one of those Senators who believes that I came here to debate and vote, even to vote on tough amendments. I think that is part of the job. I often quote a former Congressman and great friend of mine, Mike Synar from Oklahoma, who used to say: If you don't want to fight fires, don't be a firefighter; and if you don't want to vote on controversial issues, don't run for the Senate.

That is what this is about. I agree with him. But for goodness' sake, lurching from one tedious, mind-numbing filibuster to the next is no demonstration of the strength of this Constitution and the value of the Senate.

Yes, we need to change the rules. We need to change the rules so there is more accountability, so that those who would stop the Senate and force a filibuster would at least have the decency and courtesy to stay on the floor and state their case and not believe they can do this in absentia. That is what this is about. I think it is important.

I have a bill called the DREAM Act. Some people have heard of it. I introduced it 11 years ago, I say to the Presiding Officer. I think it is one of the most important things I have ever tried to do. But I have never passed it. I called it two or three times on the floor of the Senate. Every time I got a majority, every time I got a majority, always a bipartisan majority, but it never passed. Why? It was being filibustered. A Republican filibuster required 60 votes. So for 11 years literally millions of young people across the country have had their fate unresolved because of this Senate procedure.

I think at some point a majority of the Senate should speak on this issue and that should decide the law of the land. The House passed it 3 years ago. We should pass it here too. The filibuster has stopped it over and over.

Let me make one more point. I see two of my colleagues on the Senate floor. The Senator from Kentucky came to the floor and talked about the deficit that we face and the issues that challenge us with the fiscal cliff. I see the Senator from Virginia. Senator WARNER and I have spent more time together in his office sitting around a bowl of popcorn with some Diet Cokes talking about this deficit and what we can do about it than I can even total. I have no idea of how many hundreds of hours we spent together in a bipartisan meeting, four Democratic Senators, four Republican Senators. We have tried to take the Simpson-Bowles Commission, on which I served, and their basic idea and turn it into an agreement that we can enact into a law to avoid the fiscal cliff.

We have come close. We have not closed the deal, I am sorry to say. We have come close. There is a feeling on both sides, as the Simpson-Bowles Commission said:

> Everything should be on the table, revenue, taxes—I can say taxes; they can't say that on the other side of the aisle—revenue, taxes. That accounted for 40 percent of deficit reduction in Simpson-Bowles—40 percent. What we are talking about is making sure any deficit reduction package going forward has a substantial portion of revenue and taxes in it. But we cannot tax the wealthiest people in America and balance the budget. I know that is true. There have to be spending cuts. There also have to be changes in entitlement programs.

I happen to agree with the majority leader. Social Security does not add a penny to the deficit—not one penny. It is a separate trust fund. But it only has about 22 years of life left in it. That is pretty good by Washington standards, but we can do better.

I think many of us agree on a bipartisan basis we should make some small changes in Social Security today to guarantee it will be here for 50 years or 75 years. We can do that, but that is a separate debate. The debate on the fiscal cliff is about entitlement programs.

I watched some of my friends on the left, on the Democratic side, say: Don't touch the entitlement programs. They are ignoring the obvious. Medicare untouched, unchanged, unamended, runs out of money in 12 years. I plan on being around for 12 years. A lot of folks who are seniors do too, and a lot of folks who anticipate retirement expect it to be there beyond 12 years. We have to do something. To say we are not going to touch Medicare is to ignore the obvious.

I don't want to go the Paul Ryan voucher route, voucherizing it, making it so expensive seniors cannot pay for it. But if we do not put our best talents together and make Medicare a program that lasts more than 12 years, we are not meeting our obligation to the offices for which we ran.

The last point: Medicaid. What is Medicaid? Insurance, health insurance for the poor. One out of three children in the State of Illinois, their only health insurance is Medicaid. For more than half of the births in Illinois the prenatal care and well-baby care is all paid for by Medicaid. But that is not the majority of what Medicaid is spent on in my State. Sixty percent is spent on the frail elderly and those with mental and physical disabilities who are in institutional settings and they are broke. They have Social Security, Medicare, and Medicaid to keep them alive.

When the Paul Ryan budget suggested cutting 37 percent out of Medicaid, my question to him is, Which group are you going to cut, Paul? The children, the mothers having babies, or the frail elderly?

Yes, we have to look at this program and find ways to save money so it is there when we need it—and we do need it. That needs to be part of this discussion.

I was heartened over the weekend—I will close with this—on a television show with Senator LINDSEY GRAHAM of South Carolina who said publicly: Regardless of this Grover Norquist pledge, my pledge is to the people—I am paraphrasing—my pledge is to the people of America. We are going to solve this problem. We need more on both sides of the aisle to step up in that spirit to avoid this fiscal cliff. We can. With the President's leadership and the cooperation of the Speaker, we can get it done.

For 10 days not much has happened. There has been a big Thanksgiving break, a lot of turkey and stuffing, but now let's get back to business. We are back in session, House and Senate. Let's roll up our sleeves. Let's get it done. We can address this fiscal cliff and set up a plan with the President that is reasonable. We need to do that on a bipartisan basis.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COONS). Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

THE SPORTSMEN'S ACT

The PRESIDING OFFICER. For the information of the Senate, the pending business is S. 3525, which the Senate is considering postcloture. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I will take a couple of brief moments. First, let me thank my friend, the Senator from Illinois. No one has spent more time and also, candidly, taken a more courageous position in these discussions around avoiding this fiscal cliff.

For some, for political or other reasons, these are challenging discussions. But no one more than the Senator from Illinois has been willing to put more on the line, has been willing to take more heat and has more represented this whole notion of putting country first on an issue that I think is the defining moment of our time.

I thank my friend, the Senator from Illinois. I appreciate all he has done. I think history will actually show in many ways that the original framework of the so-called Gang of 6—I think it is only in Washington where when people try to work together they are immediately designated as gang members—but particularly the low-income protections the Senator of Illinois made sure we had in our bipartisan agreement that reduced the deficit by more than $4 trillion will stand as the high water mark. I commend him for his work.

I want to say as a relatively new Senator and one who is still trying to learn the rules and procedures, I also always thought that if someone filibustered a bill they had to stay on the floor and make that case. As someone who was never a legislator before I came to this position, I look forward to working with him and reasonable Members from both sides of the aisle to make sure we have rules reforms so the Senate can get back to doing the people's business and not be involved in procedural matters.

With that, I wish to speak very briefly about the issue before us. It is hunting season in Virginia—I am sure it is in Delaware as well—so it is timely that this current bill is before us. I wish to take a moment to voice my support for the Sportsmen's Act of 2012, a bill I am proud to cosponsor. I applaud the hard work my good friend from Montana, Senator TESTER, has done in moving this bill forward through a number of challenges. He has put so much time and effort into pulling various pieces together, building support, and balancing different interests. I am confident that, with his leadership, we have put together a very strong piece of legislation.

The Sportsmen's Act of 2012 is a compilation of nearly 20 different bipartisan bills that are important to sportsmen and conservation communities across America. It focuses on the conservation of wildlife habitat and improved access for recreational hunting and fishing.

Sportsmen cite the loss of access as the No. 1 reason why they have given up on hunting or fishing. Currently, 35 million acres of public land are either restricted or provide no access. This bill allows the acquisition of more easements and rights of way to improve access to public land for hunting and fishing. The Sportsmen's Act of 2012 increases access to public lands for millions of Americans and Virginians who participate in hunting and fishing and other outdoor recreation, while also supporting the very important conservation of wildlife habitat.

This legislation promotes our recreational hunting, fishing, and shooting heritage. It also continues a number of key initiatives and public-private partnerships to support conservation of fish and wildlife populations.

This bipartisan bill is consistent with my long-term personal and policy commitment to provide more opportunities for outdoor recreation, to restore critical landscapes, and to support a robust outdoor economy.

It is also important to note that in the midst of our important debate about getting our fiscal house in order, this bill does not add one cent to the deficit. This CBO has concluded that it actually saves $5 million over 10 years.

Finally, and perhaps more telling than anything else, is the amount of support this bill has garnered from outside groups. Over 50 national conservation and wildlife groups support the bill. The National Wildlife Federation supports it, the NRA supports it, and President Obama supports it. That shows the breadth of support this legislation has. With such a broad spectrum of support, passing this bill should be a no-brainer.

I urge my colleagues to join me in another strong show of support for our sportsmen by voting yes on final passage.

Thank you, Mr. President. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

BUDGET ACT VIOLATION

Mr. SESSIONS. Mr. President, I wish to speak about the budget portion of this bill. I share Senator WARNER's support for the bill. I believe fundamentally it is a good series of policy initiatives that will help sportsmen in the long run. However, I am the ranking member of the Budget Committee and this bill violates the deemed spending levels agreed to in the Budget Control Act. Senator WARNER is a member of the Budget Committee. Senator WARNER is a member of the Gang of Six that is working so hard to develop a plan that we are supposed to trust will be executed if their plan were to be effected. It doesn't look as if they are making a lot of progress, but who knows? I salute their effort.

The question is, if we lay out a plan to address our fiscal issues, will we adhere to it? Will we follow it? So I am a little bit taken aback that my colleagues seem oblivious to the idea and the concern that, plainly, the Sportsmen's Act legislation violates the Budget Act. The staff of Senator KENT CONRAD—our Democratic chairman of the Budget Committee, who is retiring—has concluded and certified that it violates the budget because it spends more money than we agreed to spend on this item 15 months ago when the Budget Control Act was passed in order to raise the debt ceiling in America.

I wish to tell my colleagues that I worry about things around here and about what kinds of agreements may be reached in the middle of the night—Christmas Eve, December 31st—to fix the fiscal cliff. We will hear: Don't worry, we have taken care of it. That is what they said when they passed the Budget Control Act August a year ago. I didn't feel good about it then, although it made some progress and it did have some limits on spending in various areas. So we did pass the Budget Control Act, and this will be the fourth time in 15 months we have had a bill on the floor that violates it.

Senator DURBIN earlier talked about the Simpson-Bowles Commission on which he served. Forty Percent of the revenue they raised was taxes. They said it was about 3-to-1 spending cuts to revenue increases when they were telling us about it. As I recall, they said it was 3-to-1 in spending cuts for every dollar in tax increases. But my Budget Committee staff and I looked at it, and I think it is closer to 1-to-1: $1 of spending cuts for every $1 in tax increases.

It was a tax-and-spend bill, really. I wish it were better. It wasn't as good as people suggested. At some point before the election President Obama suggested we should have $1 in tax increases for every $4 in spending cuts. Now we see that Simpson-Bowles proposed a ration of almost 1-to-1: $1 in tax increases for every $1 in spending cuts.

I am going to put out a statement today, but I wanted to correct something Senator REID said and Senator DURBIN said Sunday on the talk interview programs. Senator DURBIN said Social Security does not add 1 penny to the debt—not a penny. I think that is pretty close to a direct quote. But that is not correct. Social Security is already in a situation where the amount of revenue from people's withholding is less than the amount of money being paid out to the recipients. We have now spent $27 billion more than we have collected in payroll taxes in the last 2 years. So where does the money come from? It is borrowed by the United States Treasury to pay for Social Security spending. Why? Because the U.S. Treasury borrowed the money. They took the surpluses that had been in existence until 2 years ago and spent them. But the Social Security trustees asked for the money they loaned the Treasury, in order to pay our retirees. They have debt instruments to establish the debt that they loaned to the Treasury. They didn't give it to the Treasury. It was the money of the Social Security recipients. That is whose money it was. So it was loaned to the government, their debt instruments showing the debt, and the Treasury pays the interest to the Social Security trustees. Now, for the first time, instead of having a surplus, which the Treasury can spend and buy votes with, we have a deficit, and boy, it is just beginning. It is already on a path to surge out of control and threaten the future of Social Security. How does the

government pay the money it owes to Social Security? It has already spent the money it collected in past years. It is as if we borrowed the money from the bank, we spent it, and the bank says I want to be paid back.

What happens? Well, the Federal Government borrows that money on the world market, through the sale of Treasury bills, and then they get that money and they pay Social Security. It is just beginning. It is already in deficit. It has added not 1 penny—it has already added $27 billion to the public debt of the United States of America.

The Sportsmen's bill is legislation I strongly support. It came out of committee and I supported it, but it does violate the Budget Act. It is quite clear that it does. We can fix it easily. If we can fix it easily, we should fix it easily. Senator CONRAD has certified that it violates the budget. Senator REID has brought it to the floor under rule XIV, bypassing normal Committee procedures. The bill violates the spending limits we agreed to in August a year ago.

The BCA limited spending in various accounts as part of an agreement to raise the debt limit. We reached a limit on how much we could borrow, and the President and others wanted to keep borrowing and keep spending. So debt in America continues to surge out of control. But the Republican leaders at the time said: No, until you agree to cut spending, we are not going to raise the debt limit, Mr. President. Just like the kid with the credit card, you don't get to keep spending unless we know you have limited some spending, at least. So that is what happened. The President and the congressional Democrats resisted that. They attacked Republicans as wanting to cut spending and throw the country into the abyss, but they—with no choice, really—finally agreed to spending reductions of $2.1 trillion over 10 years. Those reductions were based on 2011 spending levels. Flat spending in 2011 would have totaled about $37 trillion over 10 years. But the baseline for spending has natural growth in it and always has, as calculated by the Congressional Budget Office. CBO said that under current law, spending would be expected to increase to over $47 trillion over 10 years—$10 trillion or $11 trillion more. So this agreement would simply have reduced the amount of debt that could be added to the government from $10 trillion to $8 trillion over the next 10 years. It would reduce spending—some said it was horrible—it would reduce spending from $47 trillion to $45 trillion. Remember, we are spending about $37 trillion now. The American people were assured that this solemn agreement was a good step and Congress would follow what they agreed to and put into law. So another thing is that Congress cannot continue to breach even the modest spending levels we agreed to. We cannot breach those levels. It is a sick pattern and makes a mockery of law and responsible governing.

Since the Budget Control Act agreement 15 months ago, this is the fourth spending bill that violates the law. How? Always Congress wants to spend more money—money we don't have. Remember, these four instances I have cited don't include the 13 appropriations bills because Senator REID, for the first time in history—the first time in the history of the Senate, we believe—did not pass a single appropriations bill on time. Every one of them was placed in one continuing resolution and funded forward for 6 months. So we didn't bring those appropriations bills up and we didn't have votes on them. Who knows how many more budget violations would have occurred in that. So the bills we are talking about are bills such as the Sportsmen's bill that is before us now.

I will object to the legislation because it violates the 10-year spending limits passed into law 15 months ago. But, of course, that does not end the matter. Senator REID—and I am sure he will, or his designee—will simply ask the Senate to override the law. They will make a motion to waive the statutory spending limits and, poof, if 60 Senators agree, we waive it and spend the extra money. No problem, except the Budget Act will be violated once again.

So at a time of unprecedented spending, unsustainable debt, and low public confidence in Congress, should we not adhere to even the smallest spending limits that have been enacted? Should we again violate the Budget Control Act for a mere $14 million a year—a mere $14 million a year—when this could easily be fixed? I say ''a mere $14 million'' because we deal with billions of dollars on a routine basis around here. So $14 million is a lot of money, but compared to what we spend and the ability we have to find savings in this vast government, it is not a lot of money.

And shouldn't the President, who negotiated and signed into law the Budget Control Act, object to his Democratic leaders' violating the spending limits he agreed to and negotiated last summer a year ago? Shouldn't he make it clear that he will veto any bill that violates the statutory limits we agreed to? Of course, he has not done so on this bill or any of the other four previous bills that would have violated those spending limits.

The words in the Budget Control Act, I have to say, appear, in his mind, to be words he never agreed to in his heart. Maybe he agreed to them on paper, maybe he signed the paper, but in his heart he never wanted to sign that agreement, so it is no problem for him to waltz in here and agree to spend more than he agreed to last summer. He is postmodern, as you know. Words are just a momentary thing. They can be reinterpreted a little later to better match what we meant to say my heart of hearts. This is why this country is in financial trouble, in my opinion.

Amendments my staff and I have tried to suggest that would fix this problem are being rejected, and the good groups such as Ducks Unlimited and other groups say: No; we don't want any changes. We say: Let's see if we can't get the money for the Migratory Bird Conservation Fund through another way, some of the other spending in this bill or some other savings throughout the government. Why can't we find the money and help fund migratory bird conservation, which I believe in, and maybe we can do that in another way without violating the budget. They say no.

But I will say to my friends at Ducks Unlimited and other groups that support the bill, they were not here 15 months ago. They did not vote on a bill that said we are going to limit spending to this amount. I did. Every Senator here told their constituents that Congress voted to limit spending to a certain amount and we would not go above it.

I understand Ducks Unlimited and other groups have a special interest and a deep concern, and I share it, to help maintain our great heritage of hunting and conservation in America. I understand that.

The PRESIDING OFFICER. The Senator is reminded we are operating under a 10-minute time limit.

Mr. SESSIONS. I thank the Chair.

Mr. President, I ask unanimous consent to have 2 additional minutes to wrap up.

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

Mr. SESSIONS. I will just say, we have responsibilities to the budget, to the Treasury. I will promise one thing: If we go back home and talk to duck hunters, as I do, and hunters on a regular basis, they think we are spending money like crazy. They think we do not adhere to any agreements. So I do not think the average duck hunter would be concerned if we slowed down a little bit and sent this bill back to committee and had it paid for so we did not violate the budget. In fact, I think most of the people I know would be very supportive of us doing that.

This proposal is a tax plan, pure and simple. The CBO and the Office of Management and Budget—President Obama's Office of Management and Budget—say the duck stamp fee is a tax. It is a tax, and Congress has always set the amount of it. This bill—I do not like this—we fixed this in committee, but Senator REID has brought up a bill without those fixes. The committee bill would have said Congress sets the amount of the tax on the American people, not some unelected Secretary of the Interior. Why should he have the unilateral ability to raise taxes on Americans? It has never been done before. It should never be done. It violates good, sound principles of government in America and actually I think it would violate the Constitution to do that. It is certified by OMB and CBO as a tax.

Also, I hear it said it would actually reduce the deficit. If we raise taxes by

$145 million and then we spend $140 million, we can go around and say: We reduced the deficit by $5 million. But I asked Senator WARNER and other colleagues have they researched this budget of ours to seek to find an additional $140 million? If we are going to raise the duck stamp by $140 million, if we are going to raise it by that amount, why wouldn't we reduce the deficit by $140 million instead of just $5 million? Those are the decisions families and small businesses make when they deal with these challenges in their budgets. They are required to make choices. One thing this Congress seems to always want to avoid is making choices. Since they can find nothing else in the entire Federal budget that would pay for this bill, this sportsmen's bill, it would indicate to me it is not a very high priority.

But the truth is that is not exactly true. The truth is, they never looked to find anything else they could cut that is wasteful or duplicative. In fact, there are over $900 million in existing wetlands conservation programs today. Nobody has sought to examine those programs to see if they could be more efficiently run and probably it would free up that much money right there.

I know the pressures. I know how this system works, but the people who drafted the Budget Control Act were aware of how Congress likes to spend. They specifically intended not to allow us to spend more by taxing more. They set explicit levels on how much we could spend. Therefore, this bill violates those spending levels, even though it has taxes there, and, as a result, it violates the budget and should not pass in its present form.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

THE DREAM ACT

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Alabama, as well as a number of my other colleagues who I think have disproved, at least for this afternoon, one of the remarks made by the Senator from Illinois, which is that the cable viewers who subscribe to C–SPAN may not be getting their money's worth. I think the very spirited remarks made by my colleague from Alabama, even as I disagree with them, are a very well-stated point of view that deserves to be considered.

I am honored also to follow the majority leader and the Senator from Illinois and the Senator from Virginia in the remarks they made about the need to change the filibuster rules, and I wish to associate myself strongly with them. From the very first days I have been a Member of this body, I have strongly believed the filibuster needs to be ended or at least greatly modified so as to permit the business of this great Chamber to go forward. I believe the new Members who have come here have heard that message loud and clear from the American people and that they will vote—a majority of them—to change those rules. Because all of us know, having been home for a while, the American people believe strongly that we need to do better, we need to do more, we need to address the problems of this country through majority rule, not by 60-vote rule but majority rule, at least at the beginning of the process, as the majority leader has suggested, not by violating the rules but by following the rules to change and improve those rules. So I will vote to support the majority leader's proposals in that regard.

One of the measures that has been stymied, as the Senator from Illinois very eloquently said, is the DREAM Act. I have been a strong supporter and thank him for his leadership on the DREAM Act over many years. A number of times I have come to the floor to share stories, specific personal stories about those DREAMers whose lives would be changed and who would so greatly enhance the life of this Nation if the DREAM Act were passed. I am here again to share the story of another DREAMer from Connecticut and to urge my colleagues to act on this measure.

Of course, this measure should be part of comprehensive immigration reform. I have believed since I arrived 2 years ago that immigration reform ought to be a priority. I am gratified and grateful that the President seems now to be moving in that direction and that many in this body share that view. In fact, I asked to be assigned to the Judiciary Committee's Subcommittee on Immigration so I could be a part of this debate, and I hope I will join leaders in this effort, such as Senator SCHUMER and Senator MENENDEZ, in proposals to repair a broken system. Clearly, our immigration system is in dire need of reform, comprehensive reform that will include the DREAM Act.

I have met and I have seen and experienced firsthand the stories of these DREAMers that make the case so compellingly for the DREAM Act to enable them to earn their citizenship and continue contributing to the greatest Nation in the history of the world, America.

As we return from Thanksgiving, having expressed our gratitude for our families, for our communities, for our country, what better time to address this measure for people who appreciate, maybe more than most of us, the importance and value of citizenship.

For more than a decade, Senator DURBIN has championed this measure, and I am honored to work with him in this effort. As attorney general, I advocated it at the State level. But, obviously, only the Federal Government can change the laws relating to citizenship.

The DREAM Act would give young, undocumented immigrants, brought to this country as infants or young children, through no choice of their own, a chance to earn their citizenship through education or military service. The young people who would benefit from the DREAM Act identify as Americans. This Nation is the only one they have ever known. English is often the only language they know. Their friends here are the only friends they have. It would give them a clear path to immigration status, as well as citizenship.

The DREAM Act would give these young people a chance to earn citizenship but only if they meet several requirements. First, they must have come here as children. They have to demonstrate good moral character. They have to have graduated from high school. They must have completed 2 years of college or military service. Then, having met those requirements, they can apply for legal permanent residency and pursue a path to citizenship.

The DREAM Act would enable thousands of young people in Connecticut—about 2 million across the country—to leave the shadows, to leave the shadows of fear, of deportation from their homes and their communities, a fear that haunts them and forces them to put their careers and their education on hold, to the detriment of them and our Nation because they have so much to contribute and to give back to their communities and our country.

They are well educated and ambitious, and they could enhance and expand our society, our economy, our democracy if they are given the chance to fulfill their potential. All they want, all they ask is the opportunity to stay in this country and to earn citizenship in the place they call home, proudly.

Two million immigrants nationwide would benefit from this act. Mr. President, 11,000 to 20,000 DREAMers are living in Connecticut, and one of them is Solanlly Canas.

She was born in Colombia and she is here with us in this photograph. She was brought to America when she was 12 years old, living now in East Haven where she has attended school. She is in her senior year of high school where she has thrived as a member of the Honor Society, the Executive Board of the Student Council, and president of the Interact Club, the National Honor Society.

She has dreams and goals for the future. She is proud of being a great student contributing to the life of her school, and she hopes to study psychology some day. She wants to go to college. But her life is in danger of being on hold because of her undocumented status. On June 15 of this year, Solanlly encountered the great hope that maybe all of her hard work would be worth it, because on that date, the Obama administration announced a new policy that deferred action for childhood arrivals that gave her a temporary reprieve for relief from deportation. It extended for 2 years that relief. She would qualify, because those who

have been in this country, continuously residing here for 5 years, brought here as children, not convicted of a felony or significant misdemeanor, currently in school or graduating from high school or honorably discharged as a veteran, all would be eligible to apply.

But eligibility is all they receive. All they would gain if granted this status is a temporary reprieve, forcing them again to risk, at the end of that reprieve, the potential for deportation and aggravating the possible fear by their having to declare their undocumented status. Her fate, far from being unusual, I have shown to be common to a number of individuals whom I have specifically mentioned on the floor.

Miller Gomes, for example—I am going to have his picture be shown here—brought to this country from Brazil at 5 years old. He attended Bridgeport public schools and Fairfield University where he graduated summa cum laude, and then the University of California-Berkeley where he is now enrolled in a Ph.D. program, a Ph.D. program in chemistry. What does this country need if not more scientists? We say so every day on this floor. Here is a scientist who could contribute greatly, now in fear of deportation simply because he was brought here at 5 years old and he is undocumented to this day.

Zuly Molina, who came here from Mexico, brought here at 6 years old. By the way, she had to walk across desert-like, barren country for 15 days. She was then put in the trunk of a car—6 years old. Living in New Britain. She was so fearful of her status that she declined to go to college in Connecticut. Instead she went to Massachusetts at Bay Path College where right now she is pursuing a master's in occupational therapy, a health care worker. At a time when we on this floor talk about the need for health care skilled training, we have here someone who could provide exactly that kind of contribution.

Finally, I have talked about Yusmerith Caguao, brought here from Venezuela when she was 11 years old. She went to Norwalk schools, and graduated from Norwalk Community College. She worked her way through Norwalk Community College as a waitress, as a babysitter, as an employee at a pet store. Now she is at Western Connecticut State University pursuing a combined degree in finance and accounting.

For these DREAMers, a path to citizenship, beginning with legal status, is essential to their peace of mind but also to their continuing to accomplish academically and professionally what is their great potential, to give to their country the promise and fulfillment of that potential that this country so dearly needs. We have the opportunity to provide them with a pathway to citizenship. Hopefully it would be part of comprehensive reform. But even as a stand-alone measure it merits approval. And as the Senator from Illinois said so well, it was blocked by the requirement for a 60-vote threshold. A majority voted in favor of it during this Congress. I ask my colleagues to give it the 60-vote threshold that it needs to pass for the sake of these DREAMers and for the sake of our country.

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 3636 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Montana.

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

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

THE SPORTSMEN'S ACT

Mr. TESTER. Mr. President, I rise to speak on the bill that is going to be dealt with here at the bottom of the hour, S. 3525, the sportsmen's package. This is a landmark bill. It includes ideas from members of both parties and from both Chambers. Over 50 national sports and conservation organizations support this bill, ranging from the Nature Conservancy to the NRA. Some 20 provisions included in this bill will help expand access to public lands, support additional habitat conservation, and preserve the hunting and fishing rights millions of Americans cherish. There has been much discussion about this bill, with many people weighing in. The fact is that this is a responsible bipartisan bill that will reduce the deficit by $5 million while expanding hunting and fishing opportunities for millions of Americans.

I appreciate the perspective of the ranking member of the Budget Committee on the issue of whether to raise a point of order. I know he has to defend the Budget Act. However, the reality is this: This bill reduces the debt by $5 million over 10 years. Those aren't my figures; those are the figures of the Congressional Budget Office. Unfortunately, a vote to sustain the point of order made by Senator SESSIONS is a vote to kill this important bipartisan legislation. We have had plenty of partisanship already here today on the Senate floor. I think it is time to do something in a bipartisan fashion and do something that is good for some 90 million Americans who consider themselves hunters and anglers.

I urge my colleagues to waive the budget point of order and then approve this important bill.

Mrs. BOXER. Mr. President, I appreciate Senator TESTER's leadership in putting together legislation, S. 3525, to address the priorities of sportsmen across the country.

This bill has many important provisions that I support, including reauthorization of highly successful conservation programs in the Environment and Public Works Committee's jurisdiction, which I chair. These programs restore critical wetlands, support partnerships to conserve wildlife habitat, and promote outdoor recreation.

While I appreciate Senator TESTER's efforts to move this legislation forward, I remain deeply concerned about two provisions included in this package, which I will discuss today. S. 3525 broadens an exemption that prohibits the use of the Federal Toxic Substances Control Act to address public health and environmental threats from dangerous chemicals, including lead, in ammunition and fishing tackle.

Some ammunition and fishing tackle contain lead that can be harmful to people who consume meat contaminated with lead shot. In 2008, Minnesota examined packages of venison and found that 22 percent contained lead fragments. North Dakota has also found lead fragments in venison being distributed for food.

The latest science shows that there is no known safe level of lead in children's blood. Because lead can damage the nervous system, including the brain, children and pregnant women are especially at risk.

Animals can also be poisoned or die after eating ammunition that is shot into lakes, rivers and upland areas, or when they consume the carcass of another animal that contains spent ammunition. In 2008, an expert at the U.S. Geological Survey stated:

> Science is replete with evidence that ingestion of spent ammunition and fishing tackle can kill birds. The magnitude of poisoning in some species such as waterfowl, eagles, California condors, swans and loons, is daunting.

There are safe and effective alternatives, such as steel, to the use of lead in shot and fishing tackle. According to the State of Wisconsin:

> Steel shot actually arrives on target in a tighter pattern . . . (and) penetrates game better than lead . . . Extensive research, testing steel and other non-toxic shot, shows it to be both safe and effective.

The Federal Government must be able to use all of the tools at its disposal to protect American families from consuming contaminated food. Therefore, we should not create unneeded exemptions that apply to lead and an unknown number of other contaminants.

I also oppose the provision in S. 3525 that would allow sport-hunted polar bear trophies to be imported from Canada. This misguided provision could jeopardize recovery efforts for a species that is listed as threatened under the Endangered Species Act, ESA, and protected under the Marine Mammal Protection Act, MMPA.

Before polar bears received their protected status under the ESA and MMPA, there were extensive warnings for over a year that this protection was imminent. Nevertheless, a small group of trophy hunters ignored these warnings and went forward scheduling new

hunts, and they are now seeking an exception to allow their polar bear trophies to be imported into the United States.

The International Union for Conservation of Nature estimates that approximately 20,000 to 25,000 polar bears remain in the wild. Their survival is severely jeopardized by many factors, and we should not provide a loophole that encourages hunting of this vulnerable species. Maintaining full, consistent protections for polar bears is critical to the health of the Arctic ecosystem, the Native communities who legally harvest these bears for subsistence purposes, and for the public at large that is working to save this iconic animal.

I believe this bill has many good provisions that will help preserve America's treasured natural resources, protect fish and wildlife, and provide recreational opportunities for our families. Unfortunately, the bill also includes two provisions that threaten public health and could set back wildlife conservation efforts. I filed amendments to S. 3525 that would address these concerns, but if the amendments are not adopted and the bill remains unchanged, I will oppose S. 3525 in its current form.

Mr. President, I yield the floor 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. 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.

Mr. SESSIONS. Mr. President, I will be raising a budget point of order against this legislation. But I do want to thank my colleague, Senator TESTER, for his hard work and the efforts of a lot of people to put this legislation together. I would hope my colleagues would listen to why I think it is important this bill—with a lot of good points in it, which I favor strongly—needs to be sent back and fixed.

The reason is this: The bill violates the Budget Control Act that we passed August a year ago. That has been certified by Senator CONRAD, the chairman of the Budget Committee, and his staff. It plainly, as often is the problem, spends more than the Budget Control Act allows to be spent. Chairman CONRAD, as I said, has agreed with that assessment.

No. 2, now this is the fourth bill brought before this Senate by the majority leader in the last 15 months that violates the budget. It is the fourth time. This is a time in which our country has never faced a more serious systemic budget crisis. We are on an unsustainable course. We know that. One of the things we need to do is figure out a way to constrain ourselves, and the Budget Control Act was a step in that direction.

To raise the debt limit in August 2011—we had borrowed all the money we could borrow, and to raise the debt ceiling, the debt limit, the Budget Control Act was passed. It limited spending, and that was all part of the deal to raise the debt ceiling.

These violations of the Budget Control Act lower respect for the Senate by the American people. It hurts our Nation because it impacts our debt situation and our spending, and it cannot be justified. It should not happen. We can avoid this.

I disagree with Senator TESTER on this point. Of course, sustaining the budget point of order will not kill this bill unless in some manner of pique Senator REID were to say: I am not going to bring it up if you do not pass it just like I said it ought to be passed and you will not waive the budget and just violate the budget and do it like I said. I do not think Senator REID will do that. Surely, he will not do that.

So what would happen is it would go back to committee, and Senator REID would review it and see what we could do to fix it, which will be easy compared to some of the difficult problems we have around here. The need would simply be to find $14 million a year. I have suggested a number of ways already, but those have not been used. If we would think about it this way, we are talking about finding savings somewhere in this monumental government of $14 million when we plan to spend $370,000 million this year. By Alabama standards that is a lot of money.

Another problem: The bill is subject to a House blue slip. Under the Congressional Budget Office analysis and the President's own Office of Management and Budget in the White House, the duck stamp is a tax. It simply is a tax. People can say it is not a tax. It is a tax. They have defined it as a tax. We do not have the ability to redefine the meaning of words around here, and a tax cannot originate in the Senate. So the House, as it is presently written, is likely to object and will object to this, I am certain.

Another easily fixed problem in the bill is this: The Environment and Public Works Committee brought up the legislation. The question of whether the duck stamp tax should be set by law, by Congress, or be given to a member of the President's staff to set at whatever level he wants was discussed. Senator BOXER agreed with those who shared the view that we should not be delegating to an unelected Cabinet person the power to set taxes in the United States of America. He can set the duck stamp under this bill at any level he wants to set it at. That is not good.

This is a constitutional issue. I feel strongly about it. Congress must never cede its power to tax to a single person not even accountable or any other entity, the U.N. or any other entity. The Constitution gives Congress the power to tax and only the Congress the power to tax. That can easily be fixed. There is not a problem here.

It has been argued that the point of order is only technical. Do not worry about this point of order. It is only technical because the new spending in it is paid for. How? By tax increases. So the Budget Control Act drafters, 15 months ago, and the budget rules of this Senate understand this argument. This is not a new argument. They knew this kind of gimmick would come up under the Budget Control Act, and they prohibited it. They understood it, and that is why they prohibited it.

Under the Budget Control Act, a spending limit is a spending limit. I know Senator REID seems to think if he raises taxes he can spend more, and he does not have to pay attention to the Budget Control Act he supported and the President signed and negotiated 15 months ago. He does not have to do that because he has paid for it, he thinks, by raising taxes. But the truth is the Budget Control Act does not deal with taxes. It deals with spending, and it prohibits more spending than the amount above the EPW allocations.

I note my friend, Senator TESTER, and my friend, Senator WARNER, earlier—they are fine Senators—said there is no problem. OK. There is no problem, SESSIONS. It reduces the deficit by $5 million over 10 years. We should not worry. So you say: OK, SESSIONS, why are you complaining? You are worried about the deficit. It reduces the deficit by $5 million. CBO says that. That may be the case. I think it is the case. But what is the answer to that charge? The answer to it is simply this: This legislation, as it is now written—and can be changed—raises taxes $145 million and spends $140 million, and they pat themselves on the back and say: We pay down the deficit $5 million. Give me a break.

Think about this, though: If the spending limit of the Budget Control Act were complied with, we would not have a $5 million reduction in the deficit. We would have a $145 million reduction in the deficit at least. We would have $145 million in deficit reduction instead of $5 million. So let's ask: Has anyone looked around to see if there is any spending that can be reduced to pay for this? The Interior Appropriations bill spends $29 billion a year. We cannot find $14 million?

Well, the answer is, nobody has looked to save any money to pay for this bill. Nobody, really.

Well, why not? Because it asks the Members of the House and the Senate—the Congress—to choose, make priority settings, and that is hard. We do not want to do hard things. There are over $900 million spent in wetlands programs like that in the bill that advance duck causes and hunting and so forth, according to the Congressional Research Service. Has anybody ever looked to see if that multiplicity of programs might be consolidated and save, out of $900 million, maybe $14 million right there? Plus, any other spending in this government could be utilized to keep within the spending limits and not violate it.

But the fact is the Budget Control Act said we must choose. If we want to

have a new program in one of our areas of the government, fine and dandy, but we have to do it within the limit of spending we have agreed to. This bill does not do that. Under this rationale, we would have to assume, would we not, that the needs of this bill are so little that there is not a single other program in America, not a single one, that is less valuable. Therefore, the only way we can proceed with this bill is to raise taxes, raise revenue. That is just simply not correct. We know better than that.

There is no reason these problems cannot be fixed. Slowing down, complying with the Budget Control Act, not delegating to an unelected Cabinet Member the power to raise taxes, not violating with a blue slip by commencing a revenue bill in the Senate, is not hard to deal with.

So I say to Senator TESTER: Thank you for your work. I am not sure the way this was done precisely was something you suggested. I believe we can work this out. I have made some suggestions. I am open to a lot of suggestions, but I will just say to my colleagues, I will continue to object to any bill brought before this Congress that violates the solemn agreement we made 15 months ago in the Budget Control Act. And this one does. Senator CONRAD has verified that. If my colleagues will adhere to the limits of spending that we agreed to 15 months ago by supporting this budget point of order, this popular bill, with a lot of good values in it, will be quickly fixed and passed—there is just no other way to see it—and in the future, committees and Senator REID, perhaps, will stop sending budget busters to the floor of the Senate.

Mr. President, I was going to make the budget point of order at this point, but I see Senator TESTER. I do not know if he wants to speak. Let me say again how much I appreciate the hard work Senator TESTER has put into this. He is a friend. I know he has worked hard, and I hate to cause him heartburn at this point in time, but I really would say I have raised this budget point of order on other bills and it is not that I am complaining particularly about his. His, in fact, will be a lot easier to fix than some of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the ranking member of the Budget Committee for his comments.

Look, folks, this is a bill about habitat. It is a bill about access. It is a bill about opportunity for people who enjoy our outdoors in this country. The outdoor economy is some $600 billion a year.

I have heard many times spoken on the Senate floor, if we are going to get the deficit and the debt under control, we have to grow our economy. This is about growing our economy. How? By allowing hunters, fishermen, outdoor activists the opportunity to go out and utilize the great outdoors this country has to offer in Montana and throughout this country.

We are losing habitat every day. We have lost access to habitat for hunting and fishing and hiking. This bill will fix that.

I will go back to the point Senator SESSIONS made. When I go back home, folks talk to me about the debt. They talk to me about the deficit. They ask what we can do to fix it. Quite frankly, this is one of those things we can do to fix it. By increasing opportunities for our outdoorsmen and women in this country, we have the opportunity to increase our economy in a very positive way.

Like I said, when we talk about the duck stamps, those dollars go in to be used for promoting opportunities in duck hunting. Those moneys will not be going into funding the war in Afghanistan. The money coming in basically goes out for a specific purpose.

By the way, the folks who utilize the duck stamp want this money bumped up. That is why we give the Secretary this discretion.

With that, I yield the floor back to the Senator from Alabama.

SPORTSMEN'S ACT OF 2012

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending amendment No. 2875, offered by the Senator from Nevada, Senator REID, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority and outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of this pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All postcloture time has expired. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Illinois (Mr. KIRK),

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—50

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

NAYS—44

Alexander	Crapo	McConnell
Ayotte	DeMint	Moran
Barrasso	Enzi	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Boxer	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	McCain	

NOT VOTING—6

Begich	Hoeven	Kirk
Harkin	Isakson	Landrieu

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and amendment No. 2875 falls.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the Reid amendment No. 2878 be withdrawn; that the vote on passage of the bill be vitiated; that the bill be returned to the calendar status quo; further, that at a time to be determined by the majority leader after consultation with the Republican leader, it be in order for the majority leader to resume consideration of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move we proceed to Calendar No. 419, S. 3254.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

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

The PRESIDING OFFICER. The majority leader.

Mr. REID. As I indicated this morning, we are trying to work our way through a number of issues. We thought we were going to be able to move toward the Carcieri matter this evening, but we are still negotiating this matter, so we are going to have to do that at some subsequent time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. 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 SPORTSMEN'S ACT

Mr. SESSIONS. Madam President, I appreciate the vote we just concluded. I think what the vote said is that we want the bill on the floor to be in compliance with the Budget Control Act that was passed 15 months ago. This bill, even though it was not a lot of money, violated that. Senators have voted not to waive the budget and spend the money anyway. They decided we should comply with the budget.

I talked with Senator TESTER and Majority Leader REID and assured them that the fundamentals of this bill are good. I like what they have been trying to do with the Sportsmen's Act and I have been supportive of so many of the provisions in it.

We had several little problems. First and foremost, it attempted to spend more than the EKW Committee was entitled to spend under the Budget Control Act. Second, we have a blue slip problem with it. Thirdly, we have given the Interior Department Secretary the power to raise taxes unilaterally without a vote of Congress, and I think that is bad policy. All of those, however, compared to the many other provisions in the legislation are small, and we should be able to work them out. So I hope we can, and I will be working in that regard.

However, I do wish to say to my colleagues, this is the second bill that has had a lot of support on both sides of the aisle but has failed because they violated the Budget Control Act agreement on spending. Some on the other side might think they can simply say Republicans are obstructionists, they are killing bills just because they want to kill them and they don't like them. That is not correct. Republicans want to deal with many of the issues before us, such as veterans jobs, such as issues important to sportsmen, and we are supportive of them, but we want them to be done according to the agreement we reached on spending limits last year, and that can easily be done. We spend almost $3700 billion a year. We ought to be able to find $14 million from waste, fraud, duplication—savings that can be utilized to pay for this new program.

What the bill suggests by the way it is written is that we have looked at all of the spending in the entire U.S. Government and we can't find $14 million less valuable than to spend it on migratory bird conservation. I think that is not true. Of course we can find waste, fraud, and abuse right there. We can find other ways to consolidate programs to fund this. We have to honor the agreement we reached, because it looks to me as though we will soon be headed to some sort of late-night, end-of-the-session monumental bill, and it will be like what we had 15 months ago when the debt ceiling was increased and spending was limited and we promised to raise the debt ceiling but limit spending growth, basically. We voted on that. The majority voted for it. The President supported it. He signed it. It became law. Here we are now 15 months later, having had four bills brought to this floor that violated that spending limit. So we have to be careful. The American people are not going to be very confident, if we reach some sort of other spending limit agreement to avoid the fiscal cliff, that we won't, before the ink is dry, start violating it. After all, it only takes 60 votes.

I think it is a very important issue. I am the ranking Republican on the Budget Committee. When we make an agreement, I think we ought to adhere to it, and this is why we had difficulty with the bill.

I enjoyed working with Senator TESTER on it. I have had a good conversation with Senate Majority Leader REID. Hopefully, something can be worked out to fix this problem.

I thank the Chair and yield the floor.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS RYAN JAMES SAVARD

Mrs. SHAHEEN. Mr. President, today I wish to pay tribute to the heroic service of SFC Ryan James Savard, who was killed in action October 13 in Kunduz Province as part of Operation Enduring Freedom in Afghanistan. Sergeant First Class Savard was assigned to the Headquarters and Headquarters Company of U.S. Army Special Operations Command out of Fort Bragg, NC. He was killed while serving a sixth tour of duty—a remarkable accomplishment—after completing four tours in Afghanistan and one tour in Iraq in support of Operation Iraqi Freedom. He was a brave patriot who served his country with honor and distinction. He was a loving husband and a devoted son.

Ryan was born on February 27, 1983 in Salt Lake City, UT. When he and his family moved to Jefferson, NH, Ryan attended eighth grade at the Lancaster School and spent 3 years at the White Mountains Regional High School in Whitefield. After graduating from high school in Arizona, Ryan followed in his father's footsteps and enlisted in the Army. In fact, he completed his very first day of basic training on September 11, 2001.

Ryan began his 10 years of service repairing helicopters and then went on to earn great distinction in the Special Operations Forces as a Green Beret. In June 2004 he graduated from the U.S. Army John F. Kennedy Special Warfare Center, becoming a weapons sergeant in Company A, Third Battalion, Third Special Forces Group at Fort Bragg. Ryan rose steadily in this role, deploying three times as a senior weapons sergeant in 2008 and twice as a Special Operations Team Member in two tours beginning in 2010.

Ryan received a significant number of awards for his distinguished service, including three Army Commendation Medals, a Joint Service Achievement Medal, three Army Achievement Medals, a Joint Meritorious Unit Award and Meritorious Unit Commendation and three Good Conduct Medals. In addition, he was posthumously awarded a third Bronze Star Medal, the Defense Meritorious Service Medal and a second Purple Heart.

Ryan is remembered by those close to him as a true friend with an infectious laugh and an unmatched sense of humor. He was a great listener and an extremely hard-working young man. Ryan knew the type of commitment that was necessary to be a real friend and the type of commitment that was necessary to be the best soldier possible. His drive to succeed has left an indelible mark on his family, his friends, the State of New Hampshire and the Nation. We are extremely proud and deeply appreciative of Ryan for his willingness to serve and ultimately, to lay down his life, like so many others before him, in the defense of the freedoms that we as Americans hold dear.

Ryan has been laid to rest at Arlington National Cemetery. He is survived by his wife, Kayla, of Fayetteville, NC; his parents, SGM Garett Savard and Marie Savard, of Lancaster, NH; his five sisters, Rachel, Rebekah, Virginia, Karen and Mariah; and his two brothers, Jedidiah and Garrett. This American hero will be sorely missed.

I ask my colleagues and all Americans to join me in honoring the heroic service of SFC Ryan James Savard.

HONORING OUR VETERANS

Mr. ENZI. Mr. President, each year on November 11, we come together as individuals and as a Nation to express our heartfelt gratitude to our veterans for the countless sacrifices they have made over the years on our behalf. Thanks to them, our Nation is strong and free, and our American way of life that we are so justifiably proud of continues to be protected and preserved. Although Veterans Day is over for this year, our appreciation for our veterans should never be over.

Specifically, I wish to honor our selfless men and women in the Armed Forces who have served and continue to serve in Operation Enduring Freedom. October 7th marked the 11th year the United States has been fighting the war in Afghanistan, and that is why the Senate recognized October 7th as Operation Enduring Freedom Veterans Day. Much has changed in the world and our lives in the last 11 years, but the United States remains committed to fighting for freedom in Afghanistan. More importantly—our brave military men and women have maintained their commitment to us. They fight to protect us, and to protect our freedoms. The war in Afghanistan is so physically far away; it can be easy to forget and get caught up in our daily lives. I ask every American to not forget our brave men and women are still overseas. I hope those courageous souls never fade from the hearts and minds of the people of the United States. In order to remember and honor the veterans' service in Afghanistan, the United States Senate recognized October 7th as Operation Enduring Freedom Veterans Day.

I want to thank Andrew Koenig, a Marine and native of Casper, WY, who reached out to my office with this idea of how to remind Americans of the war in Afghanistan we continue to fight. I thank him for his service and selfless dedication to all veterans and those currently serving.

Think of both October 7th and November 11th as a refresher of what it means to be an American. As you do, remember to take the first opportunity you have to thank a veteran for what we have received from their efforts. No one ever gets tired of being appreciated—especially our veterans.

The work our veterans began years ago continues today as our brave servicemen and women serve at outposts here in the United States and all over the world. Stationed far from family and friends, they have made a commitment to each one of us that they will do everything they possibly can to keep us safe and protected from harm.

Our country is recognized for its freedom and this is due to the men and women who serve in our outstanding military. They are patriotic, compassionate and courageous and set an example for us all to follow. In word and deed our veterans have shown their great love for our country. We are very grateful for their service. Thanks to our country's veterans, the world is a much better place. God bless you.

PROMOTION OF GENERAL DENNIS VIA

Ms. MIKULSKI. Mr. President, on behalf of the Maryland Congressional delegation, I would like to take this opportunity to congratulate GEN Dennis Via on his promotion to four-star general officer and his assignment as the commanding general, U.S. Army Materiel Command. We note with pride that he is the first Army Signal Corps officer in history to achieve the U.S. Army's highest rank. We in Maryland remain indebted to General Via for his innovative and flawless leadership during the U.S. Army Communications and Electronics Command's move to Maryland's Aberdeen Proving Ground as part of the BRAC 2005 process. The Army and Nation are blessed by his extraordinary service in uniform.

RECOGNIZING THE MEMBERS OF THE ALASKA AIR NATIONAL GUARD

Ms. MURKOWSKI. Mr. President, I have the honor today to recognize three great Americans who valiantly risked their lives in the service of their country. SMSgt Christopher Widener, MSgt Brandon Stuemke, and SSgt Aaron Parcha are members of the Air National Guard from the State of Alaska who served as pararescuemen within the 83rd Expeditionary Rescue Squadron out of Bagram Airfield, Afghanistan. I'd like to tell you about some of the heroic actions taken by these men between the 12th and 14th of November 2010.

Senior Master Sergeant Widener, Master Sergeant Stuemke and Staff Sergeant Parcha are assigned to an Air National Guard unit that specializes in dangerous combat rescue missions. Pararescue specialists, or PJs, train to be inserted into the most hazardous and precarious situations to save lives. They learn to operate in extreme cold and harsh terrain. They train on some of the most cutting edge equipment and master complicated medical procedures. If that isn't enough, they prepare to do this job in the face of an enemy that, when they are plunged into the heart of a battle, can appear from any direction.

Their mission in the Pech River Valley of Afghanistan was to provide medical support to a United States Army task force. The operation was entitled Operation Bulldog Bite and was aimed at uprooting a determined and well-equipped enemy in the Kunar Province in the northeastern region of Afghanistan. After the battle began and the Army unit sustained casualties, the 83rd Expeditionary Rescue Squadron was sent into action to help extract the wounded and dead. Each of the airmen was tasked to travel by helicopter and to be inserted by hoist to evacuate casualties. Accompanying the dangerous task of insertion from a helicopter came the barrage of enemy gunfire directed toward the PJs. Even before they touched the ground, the PJs were targeted with a hail of bullets. Each of these men cast away their personal safety and pressed on with their mission. The skilled airmen arrived at the location of the wounded troops and began to triage and treat the casualties. They spent several hours tirelessly preparing the severely wounded for evacuation and hoisting each up to a lifesaving helicopter transport hovering above. After evacuating the wounded, the pararescuemen continued their efforts by evacuating fallen warriors from the U.S. Army unit while still receiving enemy gunfire. To ensure success, Master Sergeant Stuemke even returned fire on an enemy position. Senior Master Sergeant Widener showed courage by shielding the casualty on his final hoist with his own body.

In all Senior Master Sergeant Widener, Master Sergeant Stuemke, and Staff Sergeant Parcha contributed to saving over 2 dozen American lives and ensure the return of several bodies of fallen comrades to their families. Their efforts ensured the United States Army unit supported could complete its mission, an operation that secured large stores of enemy weapons and munitions and significantly disrupted insurgent activity against coalition forces in eastern Afghanistan.

These men have been awarded the Distinguished Flying Cross for their actions. The award is the 4th highest decoration a member of our military can receive. I wish to thank these great men for their selfless service and dedication to our nation. They are all my heroes.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE JEANNE BURCH

• Mr. WYDEN. Mr. President, at the end of this year the smallest county in Oregon is going to lose its biggest asset. Wheeler County Judge Jeanne Burch is retiring only because of Oregon law, which requires judges to retire at a certain age. In this case, the law is depriving my State of an exemplary public servant.

When she was appointed county judge in 1994, Wheeler County was close to bankruptcy. Since then, thanks to her

leadership and perseverance, the county has been pulled back from the brink of insolvency. The county has also renovated its beautiful and historic courthouse and built a new family services center.

Judge Burch helped bring cell phone service to this remote area of Oregon. She serves on the Frontier TeleCom Network, which provides emergency communications for many counties in Central Oregon, and the Telecommunications Committee for Association of Oregon Counties. Earlier this year, she was appointed to the Oregon Commission for Women, and is now its vice chair. She is the only member of the commission from east of the Cascade Mountains.

Concerned about the growing epidemic of obesity, Judge Burch joined in an effort to make Fossil ''The Biggest Loser.'' Patterned after a popular television show, 20 percent of Fossil's 450 residents collectively lost 600 pounds to a successful effort to become healthier, eat better, and be more active.

On a personal note, Jeanne Burch has become a valued friend.

When I first ran for the U.S. Senate in 1996, I promised the people of Oregon that I would hold a town meeting in each of the State's 36 counties every year. On a wintery day in February 1996 I began fulfilling that promise by holding my first town hall in Wheeler County. From that cold day 16 years ago when I arrived in Fossil until now, Jeanne Burch and the people of her county have always given me a warm welcome.

For several years after that, I made it a practice to hold my first town meeting of each year in Wheeler County. A few years ago when snow storms made getting to Fossil impossible, Judge Burch and the other members of Wheeler County Court gave me a special dispensation by passing a resolution releasing me from my commitment to hold the year's first town meeting in Wheeler County.

When I held my 500th town hall in 2009 it was in Wheeler County and Judge Burch made sure that most of the town turned out. She did the same thing last year for my 600th town hall on a warm summer night on the front lawn of the courthouse she helped restore.

For 18 years, Judge Jeanne Burch has been the steady hand of county government, a good friend, a wise steward, and the gold standard for what a good elected official ought to be. We will miss her as a county judge, but I know that when I return to Wheeler County next year for another town hall, she will be there for me as she always has been.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 16, 2012, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 60. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT ON JUNE 29, 2012

A message from the House of Representatives, delivered by one of its reading clerks on June 29, 2012, announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 51. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

MESSAGE FROM THE HOUSE

At 2:04 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. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

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. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 16, 2012, she had presented to the President of the United States the following enrolled bills:

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

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

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–8065. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Internal Control Standards'' (RIN3141–AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC–8066. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Appeal Proceedings Before the Commission'' (RIN3141–AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC–8067. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Technical Standards for Class II Gaming Systems and Equipment'' (RIN3141–AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC–8068. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Enforcement Action'' (RIN3141–AA50) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC–8069. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Issuance of Investigation Completion Letters'' (RIN3141–AA49) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC–8070. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Management Contracts—Background Investigations'' (RIN3141–AA54) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC–8071. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC–8072. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter of fiscal year 2012 quarterly report of the Department of Justice's Office of Privacy and

Civil Liberties; to the Committee on the Judiciary.

EC–8073. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Extension of Temporary Placement of the Methylone Into Schedule I of the Controlled Substances Act'' (Docket No. DEA–357) received during adjournment of the Senate in the Office of the President of the Senate on November 9, 2012; to the Committee on the Judiciary.

EC–8074. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Trademark Classification Changes'' (RIN0651–AC80) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on the Judiciary.

EC–8075. A communication from the Clerk of Court, United States Court of Appeals for the Third Circuit, transmitting an opinion of the United States Court of Appeals for the Third Circuit (Maribel Delrio-Mocci, et al. v. Connolly Properties, Inc.); to the Committee on the Judiciary.

EC–8076. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Ancient Lakes of Columbia Valley Viticultural Area'' (RIN1513–AB85) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on the Judiciary.

EC–8077. A communication from the Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a financial report in accordance with Section 8G(h) of the Inspector General Act of 1978; to the Committee on Rules and Administration.

EC–8078. A communication from the Deputy Director of Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans' Group Life Insurance (VGLI) No-Health Period Extension'' (RIN2900–AO24) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Veterans' Affairs.

EC–8079. A communication from the Director of Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of Statutory Period for Compensation for Certain Disabilities Due to Undiagnosed Illness and Medically Unexplained Chronic Multi-Symptom Illnesses'' (RIN2900–AO09) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Veterans' Affairs.

EC–8080. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2012''; to the Committee on Veterans' Affairs.

EC–8081. 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; Gulfstream Aerospace Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0677)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8082. 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; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0715)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8083. 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–2012–0147)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8084. 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–2011–1093)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8085. 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; GA200 (Pty) Ltd Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0946)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8086. 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; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0927)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8087. 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; Glasflugel Gliders'' ((RIN2120–AA64) (Docket No. FAA–2012–0046)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8088. 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 France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0177)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8089. 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–2012–0328)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8090. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0266)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8091. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Middle Class Tax Relief and Job Creation Act of 2012; Establishment of a Public Safety Answering Point Do-Not-Call Registry, Report and Order, CG Docket No. 12–129, adopted and released October 17, 2012'' (FCC 12–129) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes (Rept. No. 112–240).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 3636. A bill to provide increased consumer protections for gift cards; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 3638. A bill to establish an Office of Entrepreneurial Support within the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mr. AKAKA, and Mr. TESTER):

S. Res. 600. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1350

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor 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. 2124

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2124, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3484

At the request of Mr. BROWN of Ohio, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of 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.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3522, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3539

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3539, a bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3614

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3614, a bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

S. 3626

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3626, a bill to provide financing assistance for qualified water infrastructure projects, and for other purposes.

S. 3631

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3631, a bill to prohibit and deter the theft of metal, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

AMENDMENT NO. 2874

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2874 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 2902

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2902 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL:

S. 3636. A bill to provide increased consumer protections for gift cards; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BLUMENTHAL. Mr. President, as consumers shop for the holidays, more and more consumers are buying, giving, and receiving gift cards.

By one estimate, Americans spent over $100 billion on gift cards in the 2011 holiday shopping season, and that nearly $2 billion of that value went unused.

Today I am introducing legislation to help substantially remedy that problem and to ensure that consumers receive the full value that is stored on their gift cards.

Whether it is a bankrupt company that refuses to honor a gift certificate, a gift card with hidden fees that slowly withers down to nothing, or a ''promotional'' gift card that expires in the virtual blink of an eye, consumers in Connecticut and across the nation are in danger of seeing the value of their gift cards disappear.

The Gift Card Consumer Protection Act will stop these abusive practices.

This bill uses as a model or blueprint the Connecticut law that I advocated and helped write while serving as Attorney General, but it adds to protections provided by that state law and others.

This new measure enhances and expands gift card safeguards, particularly when gift card sellers become legally insolvent and seek bankruptcy status.

It will add strong new protections for consumers when a company goes bankrupt. Under this bill, a company that files for bankruptcy must immediately

stop selling its gift cards and is required to honor existing gift cards until it goes out of business.

First, this bill will ban expiration dates and inactivity fees.

Connecticut gift card consumers have the benefit of clear and robust protections: their gift cards do not expire, and they do not carry any non-use or dormancy fees. These protections apply whether the gift card is purchased by a consumer or obtained as a rebate or bonus for the purchase of another product because in both situations, the consumer is relying on an expectation that the funds on the card will not expire and will not be depleted by fees.

As a U.S. Senator, I have often advocated for bringing Connecticut's strong consumer protection laws to the rest of the Nation, and that is what this bill does.

Under current Federal law, gift cards may expire after 5 years, and they be charged inactivity fees after 1 year. And loyalty, award, and promotional cards are not covered at all.

This bill would eliminate expiration dates and inactivity fees for gift cards, and it would include those protections for loyalty, award, and promotional gift cards.

This bill will give peace of mind and security to consumers when they purchase gift cards. They can shop with confidence, knowing that the money on their gift cards will not expire, will not diminish over time, and will not be refused if a company goes out of business.

I am grateful that many in the industry already follow these practices. Best Buy, for instance, doesn't charge fees on their gift cards and they do not expire. When you get a bonus card for a purchase, that card doesn't expire or carry fees, either. The same is true for Barnes and Noble, and others.

These practices should prevail uniformly for every company.

Unfortunately that is not the case. Some large companies assess inactivity fees after a year, others issue promotional gift cards that expire very quickly, sometimes as soon as forty days from the card's issuance.

The result is confusion and a lack of consumer confidence. ''Does this company's gift card have hidden fees? Does the money on this $20 bonus card last until I use it, or will it expire next month? This ad says I get a promotional gift card when I buy a new TV: does that mean it won't expire for five years, or will it expire in 30 days?''

The Gift Card Consumer Protection Act will address and dispel such doubt and confusion and make it clear that consumers who receive or buy gift cards whether by purchasing them directly or as part of a rebate or promotion need not worry about the cards expiring or being depleted by inactivity fees. It provides protections for gift card holders when a company files for bankruptcy protection.

The Gift Card Consumer Protection Act assures that consumers get their money's worth, no matter when they use the gift card.

I invite my colleagues to cosponsor the Gift Card Consumer Protection Act and ensure that gift card consumers do not see the value of their gift cards disappear due to unfair fees or expiration dates or a company bankruptcy.

By Mr. REID:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes; read the first time.

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 teh RECORD as follows:

S. 3637

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

SECTION 1. INSURED DEPOSITORY INSTITUTION TRANSACTION ACCOUNT GUARANTEE PROGRAM.

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of section (11)(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking ''DEPOSIT.—'' and all that follows through ''clause (ii), the net amount'' in clause (i), and inserting ''DEPOSIT.—The net amount''; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking ''subparagraph (B)(i)'' and inserting ''subparagraph (B)''.

(c) COST RECOVERY.—The Federal Deposit Insurance Corporation (in this section referred to as the ''Corporation'') shall fully offset, in each calendar year, any estimated losses to the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

SEC. 2. INSURED CREDIT UNION TRANSACTION ACCOUNT GUARANTEE PROGRAM.

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (A) and (B) of section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''(A) IN GENERAL .—'' and all that follows through ''paragraph (2), the net amount'' in clause (i), and inserting the following:

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount''; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (B), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(c) COST RECOVERY.—The National Credit Union Administration (in this section referred to as the ''Administration'') shall fully offset, in each calendar year, any estimated losses to the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

SUBMITTED RESOLUTIONS

S. RES. 600—SUPPORTING THE GOALS ND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mr. AKAKA, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the ''CDC''), nearly 26,000,000 people in the United States have diabetes and 79,000,000 people in the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African-Americans, Asian-Americans, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population of the United States;

Whereas, according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas, each day, approximately 5,082 people are diagnosed with diabetes;

Whereas, in 2010, the CDC estimated that approximately 1,900,000 individuals age 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas, according to the CDC, between 1980 and 2007, the prevalence of diabetes in the United States increased by more than 300 percent;

Whereas the CDC reports that more than 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults in the United States and 26.9 percent of people in the United States age 60 and older have diabetes;

Whereas the CDC estimates that as many as 1 in 3 adults in the United States will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African-American, Asian-American, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas, according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas, according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas, according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of more than 230,000 people in the United States in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas, with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2928. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2929. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2930. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2931. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2932. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2933. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2934. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2935. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2936. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2937. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2938. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2939. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2940. Mr. BLUMENTHAL (for himself, Mr. KERRY, Mrs. MURRAY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2941. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2942. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2943. Mr. WEBB (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2944. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2945. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2928. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. RESPONSIBILITIES REGARDING FINANCING OF OVERSEAS CONTINGENCY OPERATIONS.

(a) RESPONSIBILITIES OF THE PRESIDENT.—The President shall ensure that any request to Congress for funds for or relating to an overseas contingency operation includes the following:

(1) A specific statement of the requested funds, including—

(A) amounts requested for each appropriations account covered by the request; and

(B) amounts intended to be allocated, where available, to programs, projects, and activities to be funded through the request.

(2) A specific proposal for means of financing the amount requested, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be the principal official of the Federal Government with responsibility for advising the President on financial matters in connection with overseas contingency operations, including the costs and proposed means of financing of all programs, projects, and activities of the Federal Government in connection with such operations.

(2) PARTICULAR RESPONSIBILITIES.—The responsibility of the Director under this subsection shall include the responsibilities as follows:

(A) To advise and report to the President on estimates of costs in connection with overseas contingency operations, including direct and indirect costs, current and future costs, and anticipated contracting costs.

(B) To identify and report to the President on means of financing the costs of the Federal Government in connection with overseas contingency operations, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(3) CONSULTATION.—The Director shall carry out the responsibility of the Director under this subsection in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of State, and other appropriate officials of the Federal Government.

(c) ANNUAL REPORTS TO CONGRESS.—Not later than 45 days after the end of each fiscal year in which Federal funds are obligated for or in connection with an overseas contingency operation, the Director of the Office of Management and Budget shall submit to Congress a report on the obligation and expenditure of Federal funds for or in relation to the operation during such fiscal year and in the aggregate since the commencement or designation of the operation as a contingency operation.

(d) OVERSEAS CONTINGENCY OPERATION DEFINED.—In this section, the term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SA 2929. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to

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

Strike section 822 and insert the following:

SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) COVERED CONTRACT OR TASK ORDER DEFINED.—In this section, the term ''covered contract or task order'' means a contract or task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) EFFECTIVE DATE.—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) OTHER DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(2) The term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) CONFORMING REPEAL.—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

On page 250, between lines 15 and 16, insert the following:

SEC. 860. SHORT TITLE.

This subtitle may be cited as the ''Wartime Contracting Reform Act of 2012''.

On page 254, strike lines 6 through 15 and insert the following:

(c) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations and the implementation of the regulations as the Comptroller General considers appropriate.

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

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

On page 254, strike lines 19 through 25 and insert the following:

(a) REPORTS REQUIRED.—

(1) DEPARTMENT OF DEFENSE.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) DEPARTMENT OF STATE AND USAID.—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

On page 255, line 9, insert ''of an agency'' after ''Each report''.

On page 255, line 14, strike ''the Department of Defense'' and insert ''the agency''.

On page 257, beginning on line 7, strike ''the Secretary'' and all that follows through ''the Secretary'' on line 9 and insert ''the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be,''.

On page 257, after line 23, add the following:

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 864 and insert the following:

SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.

(a) COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) EXCEPTIONS.—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, $250,000,000 in any fiscal year.

(3) TERMINATION OF EXCEPTIONS.—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded $250,000,000 in a fiscal year.

(b) COMPREHENSIVE RISK ASSESSMENTS.—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).

(2) The continuity of the operation (such as risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) RISK MITIGATION PLANS.—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

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

(e) CRITICAL FUNCTIONS.—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''covered agency'' means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

On page 271, after line 20, add the following:

SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

''SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.

''(a) IN GENERAL.—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

''(b) INSPECTORS GENERAL.—The Inspectors General specified in this subsection are the Inspectors General as follows:

''(1) The Inspector General of the Department of Defense.

''(2) The Inspector General of the Department of State.

''(3) The Inspector General of the United States Agency for International Development.

''(c) STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

''(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not undeway.

''(B) The other Inspectors General specified in subsection (b).

''(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

''(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

''(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

''(i) Audit and available inspection plans.

''(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

''(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

''(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

''(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the 'Lead Inspector General' for the contingency operation concerned).

''(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

''(e) RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

''(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

''(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

''(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

''(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

''(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

''(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

''(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

''(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

''(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

''(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

''(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

''(A) Obligations and expenditures of appropriated funds.

''(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

''(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

''(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

''(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

''(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

''(i) the amount of the contract, grant, agreement, or other funding mechanism;

''(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

''(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

''(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

''(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

''(A) To build or rebuild physical infrastructure.

''(B) To establish or reestablish a political or societal function or institution.

''(C) To provide products or services.

''(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(g) TEMPORARY EMPLOYMENT AUTHORITY.—(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

''(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

''(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

''(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

''(h) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

''(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than $250,000,000 (in constant fiscal year 2012 dollars); or

''(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

''(i) CONSTRUCTION OF AUTHORITY.—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

''(j) DEFINITIONS.—In this section:

''(1) The term 'overseas contingency operation' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

''(2) The term 'simplified acquisition threshold' has the meaning provided that term in section 2302(7) of title 10, United States Code.''.

(b) CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(j) LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.—In addition to the meaning given that term in subsection (a), the term 'temporary organization' for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.''.

SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.

(a) AGENCY REPORTS.—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) INSPECTOR GENERAL AUDITS.—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;''.

(b) DEFINITION.—Such section is further amended by adding at the following new subsection:

''(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term 'overseas contingency operations' means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).''.

SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) DOS AND USAID REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief

Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

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

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.

(a) PROFESSIONAL EDUCATION REQUIRED.—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) COVERED DEPARTMENT OF STATE PERSONNEL.—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency contracting'' means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term ''contingency program management'' means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 3312. Database on price trends of items and services under Federal contracts

''(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

''(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

''(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

''(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

''(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

''3312. Database on price trends of items and services under Federal contracts.''.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4555) is amended by inserting ''(including a corporation)'' after ''Any person'' both places it appears.

(b) INFORMATION ON CORPORATIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.''.

SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with

award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

Strike section 881 and insert the following:

SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a), the term ''covered agency'' means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', including with respect to contracts in connection with contingency operations'' before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs

''(D) a summary of suspensions, debarments, and administrative agreements during the previous year; and

''(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

''(2) The term 'Interagency Committee on Debarment and Suspension' means the committee constituted under sections 4 and 5 of Executive Order No. 12549.''.

SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(2) The term ''person'' has the meaning given that term in section 1 of title 1, United States Code.

Strike section 882 and insert the following:

SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

Strike section 883 and insert the following:

SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 1245 and insert the following:

SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of $10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of $5,000,000; or

(C) in the case of any other project, has an estimated value in excess of $2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

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

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''capital project'' has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term ''overseas contingency operation'' means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SA 2930. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 405, line 25, strike ''Section 1217(f)'' and insert ''(a) EXTENSION AND MODIFICATION.—Section 1217(f)''.

On page 407, between lines 17 and 18, insert the following:

(b) TERMINATION OF CERTAIN UNSUSTAINABLE PROJECTS IN PROGRESS AND AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS IN THE UNITED STATES.—

(1) IN GENERAL.—Effective 180 days after the date of the enactment of this Act, the Secretary of Defense shall terminate each infrastructure project funded under section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)) that is in progress, but not completed, as of such effective date unless the Secretary determines, with supporting auditable information, that the Government of Afghanistan has the capacity (in both financial and human resources) to effectively maintain and use the project. If a project to be terminated is being carried out by another department or agency of the United States Government, the Secretary shall terminate the project in coordination with the head of such department or agency.

(2) AVAILABILITY OF FUNDS.—

(A) DEPOSIT OF FUNDS IN TREASURY.—Notwithstanding subsection (h) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Secretary of Defense shall deposit in the Treasury an amount equal to the amount remaining available for expenditure on infrastructure projects terminated under paragraph (1) at the time of termination. The amount deposited shall be derived from amounts available for the infrastructure projects so terminated.

(B) AVAILABILITY OF FUNDS.—From amounts in the Treasury not otherwise appropriated, there shall be available to the Secretary of Transportation for transportation infrastructure projects in the United States otherwise authorized by law an amount equal to the amount deposited in the Treasury under subparagraph (A).

(C) COORDINATION.—The Secretary of Defense and the Secretary of Transportation shall carry out this paragraph in coordination with the Secretary of the Treasury.

(3) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the determinations of the Secretary for purposes of paragraph (1) whether or not to terminate each infrastructure project described in that paragraph. If the Secretary determines not to terminate a project, the element of the report on the project shall include the auditable information supporting the determination as described in that paragraph.

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

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

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

SA 2931. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201(2) and insert the following:

(2) AQUATIC HABITAT.—The term ''aquatic habitat'' means an area on which an aquatic organism depends to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

SA 2932. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

In section 211(e)(2), insert ''Federal or non-Federal'' after ''use of''.

SA 2933. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

In section 204(f)(4), strike ''considered to be approved'' and insert ''considered to be rejected''.

SA 2934. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

On page 550, beginning on line 15, strike ''; and'' and all that follows through line 16 and insert the following: '';

(2) by inserting ''or fiscal year 2013'' after ''fiscal year 2012''; and

(3) by inserting before the period at the end the

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 2935. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

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

SEC. 526. COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall take such actions as may be necessary to ensure that there is continuous, designated military command responsibility and accountability for the care, handling, and transportation of the remains of each deceased member of the Army, Navy, Air Force, or Marine Corps who dies outside the United States, beginning with the initial recovery of the remains, through the defense mortuary system, until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482(c) of title 10, United States Code, to direct disposition of the remains.

SA 2936. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

On page 34, line 24, insert ''level II'' after ''survivability''.

SA 2937. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

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

SEC. 2824. PROHIBITION ON USE OF FUNDS FOR IMPLEMENTATION OF CERTAIN GREEN BUILDING STANDARDS.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2013 may be obligated or expended to implement or use green building rating standards unless the standards—

SA 2938. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 526. REQUIREMENTS IN CONNECTION WITH CERTAIN TRANSFERS OF PERSONNEL TO THE ARMED FORCES FROM OTHER UNIFORMED SERVICES.

In order to facilitate transfers of personnel to the Armed Forces from other uniformed services pursuant to an inter-service transfer described in Department of Defense Directive 1300.4, dated December 27, 2006, the Secretary of Defense shall—

(1) coordinate with the Secretary of Homeland Security and the Secretary of Commerce to promote and streamline such transfers;

(2) give preference to such transfers as a means of recruitment of personnel for the Armed Forces; and

(3) to the extent practicable, appoint a person upon transfer in the same or equivalent grade held by the person before transfer.

SA 2939. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 847. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a 'jobs impact statement') that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

''(B) The information that may be included in a jobs impact statement may include the following:

''(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

''(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(iii) A guarantee from the offeror that jobs created or retained in the United States in connection with the contract will not be moved outside the United States after award of the contract.

''(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer.

''(D) The agency may request further information from the offeror in order to verify the accuracy of the information in the jobs impact statement.

''(E) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

''(F) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATIONS.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

SA 2940. Mr. BLUMENTHAL (for himself, Mr. KERRY, Mrs. MURRAY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1048. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

''(1) to the 341st Training Squadron; or

''(2) to another location for adoption under this section.''.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 993. Military working dogs: veterinary care for retired military working dogs

''(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

''(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

''(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

''993. Military working dogs: veterinary care for retired military working dogs.''.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

SA 2941. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.

Section 2314 of title 18, United States Code, is amended by adding at the end the following:

''In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of $5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.''.

SA 2942. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, between lines 19 and 20, insert the following:

SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

''(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

''(A) A Member of Congress or a representative of a committee of Congress.

''(B) An Inspector General.

''(C) The Government Accountability Office.

''(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

''(E) An authorized official of the Department of Justice or other law enforcement agency.

''(F) A court or grand jury.

''(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

''(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

''(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

''(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

''(b) INVESTIGATION OF COMPLAINTS.—

''(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

''(2) INSPECTOR GENERAL ACTION.—

''(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

''(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

''(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

''(A) made with the consent of the person alleging the reprisal;

''(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

''(C) necessary to conduct an investigation of the alleged reprisal.

''(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

''(c) REMEDY AND ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

''(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

''(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

''(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

''(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

''(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

''(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

''(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

''(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any

investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

''(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

''(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

''(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abuse of authority' means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

''(2) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.''.

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

''4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.''.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking ''commenced by the Federal Government or a State'' and inserting ''commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title''; and

(2) in subsection (c)(3), by striking ''the imposition of a monetary penalty'' and inserting ''the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

SA 2943. Mr. WEBB (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1084. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest'';

(B) in subsection (d), by striking ''as a law enforcement officer'' and inserting ''that identifies the employee as a police officer or law enforcement officer of the agency''; and

(C) in subsection (f), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''that indicates'' and inserting ''that identifies the person as having been employed as a police officer or law enforcement officer and indicates''; and

(ii) in paragraph (2)(A), by inserting ''that identifies the person as having been employed as a police officer or law enforcement officer'' after ''officer''.

SA 2944. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. SENSE OF CONGRESS ON NATIONAL YOUTH DEVELOPMENT ORGANIZATIONS.

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

(1) Children of military personnel face challenges in development and education stemming from the frequent changes of station and deployments required of military personnel.

(2) National youth development organizations, in collaboration with local schools and communities, can be a valuable asset in providing consistent stability, education, youth development, and prevention programs for children of military personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should continue to pursue partnerships with national youth development organizations to support supplemental education and youth development programs for the children of military personnel.

(c) NATIONAL YOUTH DEVELOPMENT ORGANIZATION DEFINED.—In this section, the term ''national youth development organization'' means a nonprofit organizations with active affiliates in all 50 States that provides youth development, prevention, and related programs and services for children.

SA 2945. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

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

SEC. 903. CONFLICT RECORDS RESEARCH CENTER.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 430. Conflict Records Research Center

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center to be known as the 'Conflict Records Research Center' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center shall be as follows:

''(1) To establish a digital research database (including translations) and to facilitate research and analysis of captured records from countries, organizations, and individuals now or once hostile to the United States.

''(2) To make a significant portion of the records described in paragraph (1) available to researchers as quickly and responsibly as possible while taking into account legitimate national security concerns, the integrity of the academic process, and risks to innocents or third parties.

''(3) To conduct and disseminate research and analysis with respect to the records described in paragraph (1) in order to increase the understanding of matters relating to international relations, counterterrorism, and warfare and, ultimately, to enhance national security.

''(4) To collaborate with members of the academic and national security communities, both domestic and international, on research, conferences, seminars, and other information exchanges to identify topics of importance on the matters referred to in paragraph (3) for the United States Government and the academic community.

''(c) CONCURRENCE OF DNI IN CERTAIN ACTIVITIES.—The Secretary shall seek the concurrence of the Director of National Intelligence in the conduct by the Center of any activities under subsection (b)(4).

''(d) SUPPORT FROM OTHER FEDERAL GOVERNMENT DEPARTMENTS OR AGENCIES.—The head of any non-Department of Defense department or agency of the Federal Government may—

''(1) provide to the Secretary services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary to support the operations of the Center.

''(e) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall provide written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(f) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(g) DEFINITIONS.—In this section:

''(1) The term 'captured record' means a document, audio file, video file, or other material captured during combat operations from or in countries, organizations, or individuals hostile to the United States at the time of such operations.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 21 of such title is amended by adding at the end the following new item:

''430. Conflict Records Research Center.''.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on November 29, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Reclaiming Our Image and Identity for the Next Seven Generations.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Kevin Reed, a fellow in Senator MARK UDALL's office, be granted floor privileges during the Senate's session for the week of November 26, 2012, through November 30, 2012.

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

CHILD PROTECTION ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6063 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. 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, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6063) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 3637

Mr. LEVIN. Mr. President, I understand that S. 3637, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 27, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, November 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. LEVIN. Mr. President, we hope to consider the disabilities treaty during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, November 27, 2012, at 10 a.m.