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Senate

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

PRAYER

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

Let us pray.

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

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

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

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 17, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MOMENT OF SILENCE

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

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

(Moment of silence)

SCHEDULE

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

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

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

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

NEWTOWN, CONNECTICUT TRAGEDY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HURRICANE SANDY

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

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

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

RECOGNITION OF THE MINORITY LEADER

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

NEWTOWN, CONNECTICUT TRAGEDY

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

Mr. McCONNELL. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

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

NEWTOWN, CONNECTICUT TRAGEDY

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

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

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

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

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

Matthew 18 says:

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

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

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

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

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

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

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

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

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

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

The legislative clerk read as follows:

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

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

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 3338

(Purpose: In the nature of a substitute)

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

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

The legislative clerk read as follows:

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

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

AMENDMENT NO. 3339 TO AMENDMENT NO. 3338

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

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

The legislative clerk read as follows:

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

The amendment is as follows:

(Purpose: To make a technical correction)

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

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

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And then he continued:

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

Then Chairman INOUYE concluded with the obvious:

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In conclusion—and after this I want to say a brief word about what happened at Sandy Hook, so close to my area—I hope we can come together in a bipartisan way and pass this legislation. I appreciate so much that we are off to a good start—no blocking the motion to proceed and allowance of amendments—and I look forward to working with my colleagues on both sides of the aisle to solve this serious problem.

NEWTOWN, CONNECTICUT TRAGEDY

I will be very brief, Mr. President, but I wanted to say a few words about Sandy Hook.

I rise this afternoon to join our Nation in grieving for the 28 lives that were lost at Sandy Hook Elementary School in Connecticut on Friday. Words are not sufficient to describe the horror we feel as a Nation as the days go by and the events of last week gradually sink in. I see the pictures in the newspapers of these beautiful young children and, like others, I don't know what to do. There is a lump in the throat, and I wish I could make it go away. I wish this man who did the shooting didn't exist or didn't do what he did. It is horrible.

I read about the parents of the 300 or 400 children in the school who were brought to a firehouse, and as they found their child had survived, the names of the parents were called out so they could reunite with their kids. As the numbers grew less and less and less, imagine being in the group that remained. Horrible, just horrible.

Today the conversation turns to what do we do about this and what do we do about gun violence. I believe we need a new way forward on guns that breaks through the gridlock that has paralyzed us on this issue. We cannot have each side just yelling at each other and accomplishing nothing. We cannot be gridlocked on this issue as we are on others. Both sides need to recognize something. Those of us who are pro gun control have to realize there are large parts of the country where guns are a way of life.

I know a little bit. When I was a kid, I got instructions on how to shoot a .22 rifle from an NRA-trained supervisor at my camp—summer camp—and I wasn't a bad shot. I won a couple of those merit badges for marksmanship and sharpshooter. A few years ago, I had the opportunity to visit with our colleague BEN NELSON. He took me out pheasant hunting. I enjoyed the experience. So we have to acknowledge that guns are a way of life and that the second amendment has a rightful place in the Constitution. We cannot interpret the first, third, fourth, fifth, and sixth amendments as broadly as possible and then say the second amendment should be seen through a pinhole of militias, that it only affects militias. That is only fair. But then our colleagues on the other side must acknowledge that, yes, there is a second amendment right—and by the way, the Heller decision now makes that the law of the land, so I hope our folks who are pro gun realize no one is going to take their guns away. Before the Heller decision there was a view every bit of gun control is a way to eventually confiscate the hunting rifle your Uncle Tommy gave you when you were 12 years old. But there is a Heller decision and that is a bulwark against it.

I think those of us on the gun control side should accept it, that it is only fair, only right the second amendment to the Constitution is there just as the others are and deserves respect and not an endless effort to chip away at it. But then our colleagues on the pro gun side should admit another thing, and that is that no amendment is absolute. As important as it is, as constitutional, as enshrined as it is, no amendment is absolute.

Take the first amendment. We can't falsely scream fire in a crowded theater. That creates such danger. That is an impingement on someone's first amendment rights. We have anti-child pornography laws. We should have them, but that too is a limitation on the first amendment. Even libel laws, in a pure first amendment world, you could say and defame anything about anybody you wanted. We say no. That is a limitation on the first amendment. Well, just as there can be limitations on the first amendment, and yet the essence of the first amendment is preserved, the same should be true of the second amendment.

I was the author of the Brady law. I don't think it has interfered with a legitimate owner's right to have a gun in all the years it has been around, while at the same time it has saved tens of thousands of lives. There are some on the extreme side of the right who say: Oh, no, get rid of the Brady law. They believe the second amendment should be absolute. But they are wrong.

I would argue that other changes—making it harder for mentally ill people to get guns or saying assault weapons are weapons of war and don't belong on our streets but belong on the battlefield—do not interfere with the enjoyment I experienced when I went hunting with BEN NELSON, nor with the right of a small shopowner in a bad neighborhood who feels he needs a gun or she needs a gun to protect themselves.

We can come together. There can be a way of moving forward in the middle, with the left admitting the second amendment is important and as much a part of the Constitution as the others, and with the right admitting that limitations on that amendment—as there are limitations on the first, third, fourth, fifth, and sixth—do not interfere with the fundamental right and, in fact, that no amendment can be absolute.

I believe you can be both pro gun and pro gun safety just as you can be in favor of free speech but also against child pornography.

We need to start this conversation now, without delay. We owe it to ourselves as a Nation but in particular to our children.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I rise today for the people of New Jersey whose lives have been turned upside down by Superstorm Sandy. I rise for families and small businesses still trying to recover, for homeowners in Little Ferry, shopkeepers in Moonachie, and for every family who lost property, possessions, and homes in Union Beach and Seaside Heights, and all along the Jersey shore.

I rise, for example, for this resident in Pleasantville who, you can see from this photograph, pretty much lost everything. This is the side of his house, totally ripped out. It looks like a dollhouse. But he was optimistic and hopeful for the future despite his challenges. This Sandy relief package is for him. By the way, he is a veteran.

I rise today for the 40 New Jerseyans who lost their lives in this powerful, devastating, and destructive storm.

As we come to the floor in the face of that tragic loss of life, I know all of my colleagues join me in offering our thoughts and prayers to the loved ones of the victims of Superstorm Sandy. I hope all of my colleagues will join me in casting a vote that tells those families they are not alone, that we are all in this together; a vote that says we are ready as a Nation to help families and businesses and communities recover when there is disaster.

I join with Senators LAUTENBERG, GILLIBRAND, and SCHUMER, and every Senator from the affected States, to thank the President for the request of $60 billion in aid to help our States begin the rebuilding process. This package is certainly a very good start.

The damage we saw after Hurricane or Superstorm Sandy is difficult to describe, in part because this was not only a powerful storm but it was an incredibly massive storm. We felt the greatest impact in New Jersey and New York, but as you can see from this NASA photo, the storm obscures almost all of the Northeast in this satellite photo.

The numbers are staggering across the region. We lost 40 people in the

storm. Based on preliminary estimates, over 300,000 homes in New Jersey were severely damaged, over 20,000 homes were absolutely destroyed or made uninhabitable. But we fear the numbers will be even much higher as reporting continues. The preliminary damage estimate provided by the State of New Jersey is now up to $36.9 billion in damage, and everyone expects that number will rise.

These are numbers. They may be a way to quantify the damage, but they fail to paint a picture of what we have seen throughout the State: the level of destruction, the faces of many thousands of displaced people who find themselves homeless and basically nothing left from their homes—their possessions, their keepsakes, their memories, all gone. Entire neighborhoods, where several generations of families lived in close-knit communities, gone, thousands of decades-old small businesses ruined, their owners unsure if they will have the ability or the means to rebuild. We are getting more damage numbers, but the human toll is truly incalculable.

The sheer scope of the damage is also difficult to fathom, but to get a better sense of that, we have compiled some pictures that I hope to show our colleagues. Let me thank the Star-Ledger, New Jersey's largest newspaper, for helping me compile these images from their photo gallery to tell the story of the devastation Sandy caused to our great State.

This is the Mantoloking Bridge which crossed Barnegat Bay and connected Brick with Mantoloking before the storm, and here it is after the storm. As you can see in this picture, the storm surge ripped a gash right through Mantoloking. These homes were largely all destroyed. As a matter of fact, the nature of the New Jersey coastline has now changed and there are inlets where there were none before, and it has totally rewritten the geography of the New Jersey shoreline.

The relief package we are debating today will help us repair, yes, this bridge, as well as some of the surrounding homes that were clearly lost and part of the highway that will need to be rebuilt, and it will help us defend this community from the fear of this happening again, of part of the community totally being ripped out.

While much of the damage was on the Jersey shore, northern New Jersey communities such as Little Ferry, as seen on this photo, and Moonachie saw extensive river flooding when a berm failed. I was actually by this location and saw FEMA emergency management teams, as well as local police and firefighters, getting people out of their homes in rafts in order to be able to get to dry land. Private property damage to both towns has been estimated to exceed $15 million. This bill will help these people rebuild and provide the State the resources it needs to build the berm back stronger.

In Sayerville, this is the third time in 3 years they have experienced severe flooding. In this picture, Mei Zhu surveys the damage inside her home. And that look of absolute fear and terror of what is before them is a look I have seen far too many times on the faces of New Jerseyans.

The foundations of some homes were ripped away, causing fear of physical collapse. Other homes were condemned and residents were told to leave. According to construction officials, in this borough alone a list of 39 homes with collapsed foundations and 246 other homes were severely damaged.

After these repeated floods, many are now asking for their homes to be bought out, but an additional $55 million is needed to allow these residents to move on. This bill has the resources needed to allow the State to fund these buyouts and allow Sayerville to deal with its new realities.

Here now are two pictures of Union Beach, NJ, a working-class town that could not afford the local $30 million to $40 million match for an Army Corps beach engineering project.

In this photo, you can see the storm devastated entire neighborhoods. Rebuilding defenses only to the standard that existed before the storm will give us more of the same in the next storm. If we don't do things differently, we shouldn't expect a different result.

In this next photo, you can see houses that were crushed by the storm's surge. Yes, we can help these homeowners rebuild, but if we don't rebuild smarter, better, and with stronger coastal protections, we will be back here again after the next storm paying the same price both in terms of human suffering and Federal funds.

I appreciate that colleagues came to see the devastation, the many administration officials, and the Vice President. We saw the difference between an Army Corps-engineered beach and one that is not. Where there was an Army Corps-engineered beach, you had very little destruction. Where you did not, you had massive destruction. The storm proves what the Army Corps of Engineers, academic studies, and local communities have been telling us for years: Beach engineering works. It protects lives, it protects property, and it saves us money in the long run from repetitive loss.

This next image is what you can see by helicopter all up and down the Jersey shore. This is one part, Ortley Beach, where many homes were destroyed and totally encased in sand. Many communities going back blocks and blocks off the beach will be found in very similar sets of circumstances.

Just to give you a sense of the magnitude, this is one community. Multiply that by a whole host of communities along the Jersey shore going back literally blocks and blocks of this picture.

In a different context, hundreds of thousands of New Jerseyans have had their commutes disrupted because of the storm. Every single New Jersey Transit rail line was affected. Most service has been restored, but even today the Port Authority's PATH terminal at Hoboken, which brings thousands of riders back and forth between New York and New Jersey and the major financial markets of this Nation, is inoperable and it still won't be back on line for some time, affecting the commutes, the lives, and pocketbooks of 30,000 passengers who use that station every weekday. This closure has hurt many local small businesses and is forcing some workers to take a 6:30 a.m. bus every morning instead of an 8 a.m. train. Others are taking ferries, of course far more costly than their PATH ride, meaning that their personal budgets are hit dramatically each and every week that they are going to work. Superstorm Sandy caused an estimated $7 billion in damage to transit systems across the region, disrupting not only people's commutes but taking time from them to spend with their families and money out of their pockets.

Here is a picture from a security camera showing the rushing corrosive seawater into the station of Hoboken, NJ. The saltwater has been pumped out and the silt that had accumulated has been dug out, but electrical equipment will need to be replaced and rebuilt before we see the tens of thousands of riders who rely on this station traveling again.

Other than the destruction wrought by the storm surge itself, arguably the biggest impact of the storm was the loss of power. At the outage peak, approximately two-thirds of the entire State was without power. Ten days after the storm, 10 percent of the State was still without power. Without power, these customers did not have heat, despite temperatures in the low 40s. Of the 40 New Jersey deaths, about half were directly related to the loss of power, including oxygen machines shutting off, people falling in the dark, carbon monoxide poisoning from generators, and hypothermia. Fully restoring power was a Herculean task, requiring utility crews from as far away as Oklahoma and Quebec to help local line workers.

At this moment our defenses are so low. It is like your immune system; when your immune system is depleted and at its lowest, you are most susceptible to getting ill. Up and down the New Jersey shoreline, we are totally defenseless. All we need is a northeaster—God forbid—and we will be in critical shape, unless we get this money to rebuild.

The Jersey shore was the epicenter of the destruction caused by Superstorm Sandy, as the storm made landfall near Atlantic City. From Sandy Hook to Cape May, tens of millions of people visit the shore every year. It generates $38 billion in revenue to thousands of businesses annually. Here you can see the tremendous damage at the iconic Casino Pier at Seaside Heights. This photo shows more than just a mangled roller coaster; it symbolizes the destruction of an entire community—the

small businesses that rely on this and other attractions and fuel this shore community.

New Jersey small businesses have suffered a combined $8.3 billion in damages, according to preliminary analyses. Here in Seaside Heights, many shore businesses were devastated. Here in Bay Head, a salon has its flood-damaged furniture piled out front awaiting removal. When we went to Long Beach Island with about four of our Senate colleagues, they saw block after block of businesses totally closed. This isn't about seasonal businesses. These are businesses that actually would be open but for Superstorm Sandy.

Here is a business owner cleaning up after flooding at Elsy Auto Repair in Newark. It gives you a sense of the breadth and scope of the shore, Newark and all types of communities affected.

I wanted to walk through these photos to give my colleagues and fellow Americans a sense of the damage we have seen throughout my home State. But what I have shown you still does not do justice to the full impact of the storm or the devastation people went through. Every part of New Jersey was affected by the storm and we need your help to recover.

Unfortunately, there are those voices saying the cost to help families rebuild and recover is too much, that it should be reduced; that in this emergency, unlike many other similar emergencies in the past, we should do something smaller and wait to do the rest later.

Those who make such arguments could not, respectfully, be more wrong. We cannot rebuild half a PATH station, a little now and more sometime in the future; we cannot permanently repair half the Mantoloking Bridge; half a bridge is not a bridge at all. We cannot hire a contractor to rebuild half a house or restore half of a community. We need the money in place to rebuild entire projects and entire areas to ensure that families and businesses devastated by the storm can recover.

Right now there are tens of thousands of small business owners trying to decide—their life is on hold—whether I will have some assistance by the government that will help me reopen or I will pack it in. They need to see a full Federal commitment right now to know they have the resources and the customers they need to make it. Half a loaf or a wait-and-see commitment is simply not good enough.

I do not want our small businesses to pack and move on. I do not want multigenerational businesses to end because of a superstorm. I know Governor Christie doesn't want them to move on either. We want them to recover and stay in New Jersey. Disaster reimbursement from FEMA and agencies such as the Department of Transportation only flows when a project is completed. That makes the spending seem slow but actually the rebuilding happens much more quickly. Local communities are able to budget and contract for a project, knowing the money will be there at the end. If we wait, if we do not put up the money, then some of the rebuilding will also wait and a piecemeal recovery is a stalled recovery and, in all likelihood, a failed recovery.

The need is clear for passage of the Sandy relief package for my State and for the entire region devastated by the storm and the ruin it left in its wake. We have just gone through an election at the heart of which we debated the role of government in our lives. I submit we need to focus on what government does to help build the spirit of community we have seen in action in the aftermath of this devastating storm. Americans across the country were riveted by the stories of the immediate aftermath of the storm: the pictures of entire communities underwater, homes moved blocks down the road, homes and train cars blocking Federal highways, hospitals closed, gas lines miles long, people waiting hours for fuel to run generators to keep their homes heated and families warm, weeks of fuel rationing and no transit or Amtrak service for the entire region for people to get to work or visit their families.

Without a doubt, these were trying times for New Jersey. But now, just because those scenes are no longer showing in living rooms across the country, does not mean the pain is not there. It does not mean the recovery is over. Thousands of families are still displaced from their homes and will be for months to come.

We face this at the beginning of a winter. Many of these superstorms and hurricanes come in tropical times. We are in the midst of winter. The bite is even worse. Transit lines are still out. Community infrastructure still has to be rebuilt. Now is not the time for the Federal Government to walk away. It is more crucial now than ever for the Federal Government to help devastated communities rebuild, to help families get the assistance they need to repair their homes and put their lives back together. I, for one, will not rest until the rebuilding is done.

Whether in the Senate or before in my role in the House of Representatives, I have never said no to disaster funding—whether that was a result of Hurricane Katrina, for the people of Louisiana, Alabama, Mississippi; whether there was flooding along the Mississippi; in another context, whether it was tornado disasters in the Midwest; whether it was crop destruction for our farm States, I have not said no because I believe that is the essence of why we call this country the United States of America.

The only difference is the location and extent of the destruction. Now it is time for my fellow Americans to stand with New Jersey. We have been battered, but we are not broken. We are stronger and more united in our efforts to work to recover, rebuild, and recommit ourselves to uniting around common concerns and shared values rather than being divided by our differences. This is the lesson we learn and together we will rebuild and the Garden State will bloom once again.

I look forward to my colleagues supporting us in this effort as I have supported our fellow Americans, their people in their State and their challenges. This is one in which we need them to join hand in hand with us and to remember that but for the grace of God there go I.

This will happen someplace, sometime in another part of the Nation, and I will be proud at that time to once again say, yes; this is the United States of America.

Mr. LAUTENBERG. Mr. President, on October 29, one of the largest Atlantic hurricanes on record slammed into the Jersey shore. At the same time, a winter storm system hit New Jersey from the west, creating a superstorm that did unprecedented damage to my State.

When the sun came up the next day, parts of New Jersey looked like a war zone.

Reports indicate that more than 30 people in New Jersey were killed, and at least 100 in the U.S. lost their lives as a result of this storm.

Across New Jersey, 350,000 housing units were damaged or destroyed.

Imagine how all of those families felt. Imagine having to evacuate, and coming home to find nothing there. The place where you raised your children and created so many memories—gone.

Across our State, 75 percent of small businesses were affected; big parts of our transportation system were shut down; and our electrical grid was crippled. There were approximately 2,400,000 power outages in New Jersey, affecting roughly two-thirds of all power customers in the State.

In response to this devastation, I was proud to see New Jersey Governor Chris Christie and President Obama put aside their political differences and join together to help people in a desperate situation. This bipartisan leadership made the whole country proud.

We have an opportunity with the bill we are considering this week to show that kind of leadership here in the Senate.

The Superstorm Sandy supplemental appropriations bill will help New Jerseyans recover from this storm and rebuild our State so we are stronger for the next storm.

The bill extends $60,000,000,000 of aid to New Jersey and the region.

That's about $20,000,000,000 less than New Jersey and New York estimated the States would need—and those State estimates took weeks to compile and were done with help from third party analysts.

Simply put, the bill before us is a reasonable down payment on the basics of our recovery and rebuilding effort.

Where private insurance wasn't enough, this bill will help residents and small businesses pick up the pieces and begin to restore their lives.

It helps fund the repair of our devastated transportation network, our damaged electrical grid, and other public infrastructure.

And the bill provides for proven Federal programs that will help reduce flood risk along New Jersey's shore and protect the investment we are making in rebuilding coastal communities.

The situation in New Jersey is still desperate.

Tens of thousands of New Jerseyans face unemployment because of the storm.

And 7 weeks after Sandy, more than 40,000 people in New Jersey are still out of their homes. Their suffering will only increase as we enter the coldest months of the year.

And the Hoboken PATH station remains closed as well, causing local businesses to shut their doors.

How long are we going to make people wait for relief?

When other States have suffered overwhelming disasters, Congress has helped them rebuild and restore. That is what we do as Americans—we help each other in times of need.

We saw the worst of Mother Nature in Superstorm Sandy. But we saw the best of the American people. Neighbors helped neighbors, and leaders put politics aside.

Now it is our turn in the Senate to join together across party lines and help rebuild New Jersey, New York, and the other States that were devastated by Superstorm Sandy.

Let's pass the Sandy supplemental appropriations bill this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

NEWTOWN, CONNECTICUT TRAGEDY

Ms. MIKULSKI. Madam President, I rise to speak as the chair of the Subcommittee on Commerce, Justice, and Science, to talk about the aspects of my bill, the parts of my bill that are in the supplemental. But before I do, I want to join with other Americans in extending my deepest condolences to the families in Connecticut, those 26 families who faced a tragedy of such enormity that it is impossible for the mind to comprehend and the heart to endure—the murder of 20 sweet, innocent children and 6 teachers who died protecting their children.

When we look at the photos of the children, we see in many of them the faces of our own families. We can only imagine the agony they are facing right now. I wish to extend my heartfelt support to them and also to all those who responded to the tragedy: those on the scene, the school principal who literally put herself in the line of fire to protect her students and tried to alert them through the intercom system; to teachers in the classrooms and a teacher's assistant who literally shielded them with their own bodies and their own know-how. Then there were the police and other law enforcement who went into the school, not knowing what danger and horror they would face or how they could rescue the children. There were the ambulance drivers who raced to the scene, paramedics, and even grief counselors needed counseling at one point.

In this situation, the families bear this incredible grief, but we all do too. Whether for those people on the scene, for those who have the permanent wounds of the bullet or those in Connecticut or those families who will bear the permanent impact of this tragedy, we lift our hearts in prayer for these victims and we lift our voices to end violence in America. We must look at ending violence in our country. We need to be able to look at the issues around gun control and ammo control, but that is only one aspect of it. We also have to look at issues related to mental illness because for those who suffer mental illness—whether it is those who have the illness themselves or their families who try to cope with it—they are often alone and helpless.

That is not by way of explanation or excuse for what happened in Connecticut or Colorado—what happens now all too frequently in our society. But there is a pattern, particularly of young men over the age of 18 and below 30 who seem to fall between the cracks, missing the help they need to be able to deal with those demons inside themselves. We need to be able to focus on that.

I agree with the President who said last night:

> No single law—no set of laws can eliminate evil from the world, or prevent every senseless act of violence in our society. But that can't be an excuse for inaction. Surely, we can do better than this.

We must do more to protect our children and our communities, not only with words, prayers and vigils but actually with the deeds here.

So know I will join with my colleagues to reinstate the assault weapons ban. I plan to work with Senator FEINSTEIN to introduce a bill that will deal with military-style weapons and high-capacity bullet clips. Weapons of war have no place on our streets, in our schools or in our homes.

For those who cry: Oh, it is regulation—we regulate food for our safety. We regulate cars for our safety. We need to now look at regulating guns. But know that, as I also said, we must also look at the issue of mental illness, particularly in young adults.

Our colleague Senator LIEBERMAN is proposing a commission on violence. I am often skeptical of commissions, but I believe if JOE LIEBERMAN headed up that commission and we looked at it, it would come out with an action plan. If there was a pledge to support the recommendations of that commission, I would also be able to support it.

We need to look at guns, mental health, and those things that glorify violence in our society or glorify that somehow or another guns are a solution to every problem we have.

Today, the funerals in Newtown begin. Our mourning will go on for a long time, but our work as well must continue over the days and the weeks ahead. I intend to work with my colleagues to change the law and change the culture of violence.

I also rise to speak on my commerce and justice bill. I want to focus on my national responsibilities as the chairperson of the Appropriations Committee on Commerce, Justice, and Science. I also wish to point out that Maryland was hard hit too, especially the communities in the lower shore and in particular the community of Crisfield. I will speak more about Maryland and what we faced during Hurricane Sandy tomorrow.

It was ironic that when the hurricane hit, we faced hurricane winds in one part of our State and a blizzard and nor'easter in another part of our State. So we had State troopers on snowmobiles trying to go in to rescue vulnerable populations in Garrett County. We also had our State troopers and guards on rafts and on swiftboats going in to rescue vulnerable populations being hit by the flooding waters and the horrific hurricane winds. Although we were not hit in Maryland the way New York and New Jersey were, we face damages too.

Up and down the Atlantic coast, there was tremendous damage. I am here to talk about the CJS portion of this urgent supplemental. It provides $513 million to repair, replace, restore, and rebuild our communities and our critical assets. In our case, the CJS bill is about restoring critical assets for Federal law enforcement, our weather prediction and weather facilities, NOAA, and what was damaged in our fisheries program. Even NASA's spaceport Wallops facility was damaged by Hurricane Sandy.

When a storm such as Sandy hits, it devastates everything in its path, including Federal facilities, such as the offices and equipment of our law enforcement agencies. Our Federal law enforcement agencies—the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms—were also hit. We need to make sure we maintain support for these law enforcement agencies, and therefore we have in this appropriation $15 million for the Department of Justice to repair these facilities by replacing equipment and operational tools damaged by Hurricane Sandy.

This will also help FBI facilities in New York and New Jersey that were hit. The New York field office, resident agencies, and even labs and case record storage facilities were damaged. They are all important in dealing with fighting crime, whether it is terrorism, organized crime, or financial fraud. Sewage and mud destroyed the New York

field office mobile command center, specialized laboratory trucks, and evidence response team vehicles.

This appropriation also has $1 million to restore the tools the Drug Enforcement Agency needs to go after drug traffickers. Radio communications and the antennas to stay connected were damaged. The New York division's information technology system needs all the help it can get to be able to replace those 15 vehicles used for important kinds of forensic detection and wiretap that were lost to flooding or crushed by falling trees.

Also included in the appropriations is the Bureau of Alcohol, Tobacco, and Firearms, which will get $25 million. Flooding swept through the ATF offices in Brooklyn and Manhattan. It damaged communication, security systems, and other tools Federal agents need to detect crime, fight crime, identify the perpetrators of crime, and gather the evidence.

We have $10 million in here for the Bureau of Federal Prisons. Ten Federal prisons were affected by Hurricane Sandy, located in four States: New York, New Jersey, Pennsylvania, and West Virginia. We need these repairs to meet safety and security requirements to make sure the inmates are kept secure and the prisons are fit for duty. They will need $10 million to be able to do that.

Let's talk about the science side. Our Federal science facilities along our coast were also damaged. Repairs are needed in Federal laboratories, research facilities, and monitoring equipment.

NOAA needs $15 million for ocean and coastal equipment damaged by Hurricane Sandy. For example, 45 tide stations and data buoys were damaged. What does that mean? It is absolutely crucial for these buoys to give us the navigational information for safe navigation into and out of affected ports. The Presiding Officer knows, as the Senator who represents Washington State, how important access to a port is and how important the NOAA facilities are to help our ship captains and our port pilots have accurate and reliable data. They were damaged up and down the coast. They will need $63 million to repair and improve weather forecasting equipment and capabilities. Nine NOAA weather radio sites were damaged, including broken transmitters and antennas. Repairs are needed so they can be able to give us the right weather forecast even during a storm, to be able to give us the right information to protect our communities. For every mile we can be accurate, we will save $1 million in evacuation costs by the State, local, and private sector. Every dollar we spend that can provide accurate forecasting saves lives and saves money. In addition, even the NOAA hurricane hunter planes were damaged. We have three of them. Only one plane was able to work during the 2012 hurricane season. Two other planes desperately need repairs, and we are going to do it.

Also, we need to repair NASA facilities that were damaged along the coast. Beaches were washed away near the NASA launch pad at Wallop's Island. The launch pad sits steps from the beach, and workers had to stop testing the rocket that will be used to take cargo to the space station. After Hurricane Sandy, they said they had not seen this much damage in over 6 years. This is a very important facility. There were other NASA facilities that were damaged because of the impact and their closeness to the beach.

We also need cleanup. Entire coastal communities were washed away. The magnitude was amazing. Right now we have debris from storm damage that can be dangerous to fishing vessels, public health and safety, and to marine life. This funding is important for the communities hit by Hurricane Sandy and also for the west coast communities that are still struggling with debris. I understand in Oregon, Washington State, and in California they are still dealing with debris from the Japanese tsunami. I know the Senator from Washington State as well as Senator MURRAY have spoken to me about it.

We need to clean up what was washed up. It is important not only for the safety of our beaches but also so that ships have clear navigation. We are also going to be looking at coastal habitat.

Due to the hurricane, not only were people displaced but fisheries were destroyed as well. I am not equating the two, but for many of us who are coastal Senators, we know that the fisheries are an important part of our identity, an important part of the economy, and an important part of jobs in our communities. We call them watermen in Maryland. Our colleagues from New England call them lobstermen or fishermen. I know the Presiding Officer calls them fishermen. Whatever name we use, those men and women who work and harvest the sea depend on their fisheries.

There were several fisheries which were damaged because the storm created such an aquatic and habitat upheaval. Assistance is needed for our fishermen and our fishing communities which depend on this for their livelihoods to get help. We will be focusing in this bill on New England groundfish; Mississippi's—which was hit by another hurricane—oysters and blue crabs; as well as Alaska and its salmon. Those who were affected at the salmon fisheries will benefit from this bill as will New York and New Jersey.

At the same time we will provide assistance to legal aid for mobile resources and disaster coordinators. There is a tremendous demand for their services to help people sort out many of the aspects of this. They help them with their benefits and their insurance. They need help just sorting things out when they don't have the documents they need.

We are going to have lawyers on the ground to work with the community. Legal aid will be doing this, and they will be also coordinate pro bono orders.

We see this bill not just as spending on these items, we see this as helping the communities get back on their feet and ensuring they have vital Federal services in law enforcement and the safety and protection of their community. We need to maintain the safety of our Federal prisons and make sure there is safety and access to our ports in order that safe navigation will be provided.

For every dollar we spend, we are going to be creating jobs. It is going to take jobs and human beings to replace and replenish our beaches. This is important. It is a jobs bill. When we talk about going in and stabilizing our prisons or helping with the New York field office, and so on, these are going to be jobs in construction, in office space restoration, and mold mitigation.

Item after item will help provide an opportunity that even men and women whose jobs were displaced because of this storm will have the opportunity to be able to participate in these Federal contracts to rebuild the very communities that they are from. I know we hope that happens.

After all of this, we are going to have safer beaches and safer navigation. We are also going to continue the excellent work that has been done by NOAA and weather forecasts. They gave us plenty of warning so that we were able to save as many lives as we could, but unfortunately we could not save those homes and we could not save those livelihoods.

This supplemental helps people get back in their homes, get those communities back, and hopefully we will restore those livelihoods. I look forward to ensuring that my aspect of the bill moves in an expeditious, speedy, and smooth way.

I thank the the ranking member, Senator KAY BAILEY HUTCHISON. She worked with me on a bipartisan basis to put together my part of the supplemental. This will probably be the last bill she will help move. I appreciate her help.

I hope my colleagues, as they look at the overall aspects of this bill, will move it. Tomorrow I will be talking more about the FEMA and HUD aspects, particularly as they affect Maryland. I hope that as the lameduck moves along, we move in a bipartisan way to get our people back into their homes, back to work, and get back the faith that the Federal Government is on their side and responds to them.

The Senator and I thank President Obama for his leadership and giving us the right framework. We have it all lined up here, and we are ready to go.

I yield the floor.

The PRESIDING OFFICER. The Senate majority whip.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. DURBIN. Madam President, as I was coming to work today, I drove past St. Peter's grade school which is on the House side of the Hill, and there was a

group of students—little kids—who were being escorted by their teacher down the sidewalk. As they walked along I couldn't help but flash back to that image all America remembers from last Friday—the children at the Sandy Hook school in Newtown, CT, filing out, heading for safety at the firehouse.

I don't know that I can look at the faces of these children as their names have been reported and not think of my own kids when they were that age, and especially of my own grandchildren now, who are just a little over a year old. But I saw in the eyes of those children what all of us see: innocence, happiness, an interest in the future, and the greatest dreams in the world.

Well, in one brutal, depraved moment, those dreams ended when that gunman forced his way into Sandy Hook school and shot those poor innocent children. At that moment, some people stepped forward who really became heroes of the day: Four teachers, including Rachel Davino, Anne Marie Murphy, Lauren Rousseau, and Victoria Soto, and the school psychologist, Mary Sherlach, and Dawn Hochsprung, the beloved school principal who apparently walked right into the face of this gunman to try to stop him from harming any of the children in the school. These school employees lost their lives because they were trying to stop the gunman or shield their students from him.

We would like to think all of us called into a moment such as that would rise to the standard of courage they showed. I hope we would. They did, and in so doing reminded us that even those who just go to work every single day can be called on to show bravery. These teachers did, the school psychologist and the principal, and we owe them a great debt of gratitude, as I am sure the families of all of the students in the school feel.

We pray for all the children were lost on Friday, for the six school employees, and for all their families and loved ones. We also pray for the first victim that morning, the shooter's own mother, Nancy Lanza. And we thank the first responders who responded so bravely in the face of such horror.

We reflect now on our responsibility. I thought about it over the weekend, and I wrote an article for the Chicago Tribune this morning and here is what it said:

What will it take? What will it take for a majority of Americans to speak out for sensible firearms policy in our nation? It will take more than a Congresswoman being shot point-blank in the face as she gathers for a town meeting in Arizona. It will take more than a deranged gunman with a 100-round magazine spraying bullets into a crowded movie theater in Aurora, CO. It will take more than the kids who die playing with guns carelessly stored. It will take more than killings on the university campuses in my home State of Illinois and in Texas and Alabama and Virginia; and it will take more than the shootings on the streets of Chicago, my hometown of East St. Louis, and so many other cities across the country. Sadly, it will take more than 27 victims, including 20 children, at Sandy Hook grade school.

What it will take is for a majority of Americans and a majority of thoughtful gun owners and hunters to agree that there must be reasonable limits on gun ownership and weapons. The U.S. Supreme Court acknowledged that our second amendment rights are not absolute. So can we come together and agree that Americans have the right to own and use firearms for sport and self-defense, but with certain limits?

We must institute reasonable, commonsense limits, such as barring those with a history of mental instability, those with a history of violent crime or who are adjudged dangerous and subject to restraining orders, and those whose names have already been placed on a terrorist watch list from owning guns. Those ''straw purchasers'' who are literally fencing for drug gangs and other criminal thugs, and the gun dealers who look the other way when they come to buy those weapons? We have to deal with them realistically and firmly.

There are certain classes of weapons that are strictly military. They have no useful purpose in sport, hunting, or self-defense. They should not be legally sold in America. The gun used at Sandy Hook grade school in Newtown, CT, was just such a gun, an AR–15, originally an M–16, developed for military purposes. Then, with clips attached that held countless numbers of bullets, he turned it on those little babies, these infants, and killed them with that assault weapon. Magazine clips with more than 10 rounds should be prohibited from civilian use.

No one should be allowed to purchase more than two firearms—maybe only one firearm per month. And those who own firearms that are within the reach of children should have protective locks on their weapons.

What holds us back are political organizations that are well-funded and organized and determined to resist even the most reasonable limitations. There is a close political parallel between the gridlock in Washington on dealing with our economy and national debt and the eerie silence in Congress as the list of horrific gun crimes grows by the day.

I am encouraged by several of my colleagues who have spoken out today. Traditionally they have been on the side of those who have opposed any type of limitation on firearms, but they believe, after Newtown, CT, we have to reopen that conversation in a good-faith effort to find common ground.

But too many of my colleagues just shrug their shoulders when gun issues come to the floor for a vote. They have made Grover Norquest-like pledges and feel dutybound to vote ''right'' on every scorecard issue.

My wife and I grew up in families of hunters. We know the rite of passage when a father can take his son or daughter out hunting for the first time. I know the fun of watching the Sun come up from a duck blind and hearing a seasoned hunter calling them in over the water. The hunters I know are good people who love their sport and hate those who misuse firearms, terrorize, and kill. We need for these hunters to join with many Americans, some of whom have never owned a gun or used a gun, to establish a reasonable standard for gun use and ownership in this great Nation.

I was thinking over the weekend how much we have focused on texting and driving, and I looked up the numbers. Last year it is estimated that 6,000 Americans died because they foolishly were texting while they were driving. We now have a national campaign to stop texting and driving, and we should: 6,000 American lives lost. Last year we lost 30,000 American lives to gun deaths, to put it in perspective. It is time for us to view safety and ownership of guns as seriously as we do when it comes to the safety of operation of automobiles. Until we do—until we come together as a Nation and come forward with reasonable limits on guns that can be sold, magazines and cartridges that can be sold, even the body armor which I can't even understand the purpose for in this country—until we do that, the number of victims of gun tragedies will continue to grow and the silence of the funerals that follow will be matched by the silence of those in Congress who have the power to change it.

It is time for us to step forward in memory of these poor children in Newtown, CT, their grieving families, these heroic teachers, and so many others who reminded us last Friday that we are all part of the same American family.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, before the Senator from Illinois leaves the floor, I commend him for his statements, first on his nominee for the Illinois judgeship that has been delayed for far too long, through no fault of the Senator from Illinois.

This weekend was a very difficult and trying weekend for our families and so many other families, although nothing compared to the families in Newtown, of course. I pretty much stayed off the phone and spent time with children and grandchildren. I made an exception for a couple of phone calls with the distinguished senior Senator from Illinois. I told him that when we come back in in a couple of weeks for the new Congress, I will work with him to make sure the Senate Judiciary Committee has full and thorough hearings on the subjects he has just spoken about, as he stated here so eloquently and as he did in his television interviews this weekend.

The President was absolutely right when he said there is a number of

issues. Obviously the issue of guns is one of them. Mental health is another. There are several issues. Several committees will look at these issues, and should. But I think the Senate Judiciary Committee has a very particular role to play, and I pledge to the Senator from Illinois he will have my complete cooperation in that regard. He was one of the rare phone calls I made this weekend, as well as to a couple national law enforcement officials.

I thought I had seen some of the most horrific crime scenes in my career, but they don't even begin to compare to what the first responders and others, including school officials and parents, saw in that elementary school. The memory is fresh for us, but can we imagine the memories for the families of both the adults and the children who died? It is a memory that will never, ever fade. I think we ought to show our responsibility and step forward to find out what can be done not as Democrats, Republicans, conservatives, liberals, but as Americans. I believe it can be done.

I see the time of 5 o'clock has nearly arrived, but I also see the distinguished Senator from Maryland on the floor. He wishes to speak on the supplemental. I ask unanimous consent Senator CARDIN be permitted to speak on the supplemental and that if he goes past the time of 5 o'clock he be allowed to continue using my time on the judicial nominations.

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

The Senator from Maryland.

Mr. CARDIN. Madam President, first let me thank Chairman LEAHY for those words in his exchange with Senator DURBIN. I wish to offer my deepest condolences on behalf of all of the people of Maryland to the 20 students who lost their lives, and the 6 adults, at the hands of a single shooter at Sandy Hook Elementary School in Newtown, CT.

It is heart-breaking to listen to the stories of innocent lives cut cruelly short. The pain and grief of the families and friends of these students and teachers is unimaginable.

I want to echo some of the comments Senator DURBIN and Senator LEAHY made. We know the teachers and the aides put their lives on the line in order to try to save the children, as well as the unbelievable task of the first responders coming to the scene and not knowing what they would find. We send our prayers to all.

This is a tragedy beyond words. I think President Obama said it best last night that our hearts are broken. But as Senator DURBIN has said—and I say to Senator LEAHY, I particularly want to thank the Senator—we need to take action. Congress needs to come together and take action to protect the safety of our children. We must do better. There have been too many episodes in which children's lives—and others—have been lost that we must figure out ways to prevent these types of tragedies.

This conversation must include a discussion about the culture of violence that permeates our culture today, including the glorification of violence to our children and young adults. We see too much of this violence, and it has to have an impact on young children. We need to know how we can responsibly deal with this circumstance.

It must include a discussion of the mental health services provided to Americans, including our students. Many of us have talked about this in the past. We have to be more aggressive in dealing with the mental health needs of all the people in our community.

As Chairman LEAHY pointed out, we must discuss the issue about the ready access of individuals to weapons. I know there are different views in this Congress. I must tell you, I do not understand why we need to allow access to military-style assault weapons and ammunition.

I strongly support Senator FEINSTEIN's efforts to reinstate the expired 1994 ban on assault weapons, including a ban on ammunition magazines that hold more than 10 rounds.

Senator DURBIN has raised a very valid point: We regulate automobiles. We regulate consumer products. We regulate a lot, as we should, for public safety, and we should regulate firearms for public safety reasons.

There is no need for assault weapons to be held by the public. In my view, there is no legitimate reason for a civilian to possess a military-style weapon or to have large capacity ammunition clips. Congress should also examine whether we can strengthen our background check system for gun buyers, along with criminal penalties for those who illegally purchase or transfer guns.

We need to take a look at safety locks for children. We need to look at those who make multiple purchases. We need to look at the gun show purchases. I think we should examine all those to see whether we can make our communities safer, without infringing upon the legitimate right of individuals to possess guns, sportsmen to be able to use guns for hunting. I think all that, obviously, will be protected. But we can do a much better job of protecting public safety.

We have talked about this before, and we need to act. We need to act in a comprehensive way to make our society safer. I pledge to the chairman of the Judiciary Committee—I have had the honor of serving on that committee for 4 years. He is an extremely fair leader who believes in letting all sides be heard, and I very much appreciate his commitment in so many different areas that have dealt with public safety. We have great confidence in his leadership on that committee, and other committees of the Senate need to act as it relates to the safety of our children.

(Mr. BEGICH assumed the chair.)

Mr. CARDIN. Mr. President, I know we have pending the supplemental appropriations bill. I urge my colleagues to act on this as quickly as we can. Sandy was a devastating storm. Eight million people were without power. There were over 100 deaths, including 7 in the State of Maryland.

Maryland was hit hard, not as hard as New Jersey or New York—and our prayers go out to all the communities that have been affected—but Maryland was hit pretty hard. We had sustained winds for hour after hour after hour after hour. We had rainfall records—9 inches. We had storm surges with 7 foot waves. We had flooding of the Eastern Shore of Maryland. We had a storm in the western part of our State that dropped 30 inches of wet snow.

So we suffered from the flooding on the Eastern Shore and the storms in western Maryland. In many of the communities, people who live below the poverty line are elderly. Senator MIKULSKI was just on the floor and talked about the circumstances in the city of Crisfield. In that city, 32 percent of the population lives below the poverty line. Mr. President, 585 homes were severely damaged, 71 sustained major damage. The watermen, which is one of the major industries for that community, found that they were literally unable to work, and they are still unclear as to what is going to happen to their crops.

We have a serious problem. I will give you just two examples of people who have lived through this storm.

In Crisfield, Mary lived in an apartment with Cody, her trained medical dog. Mary suffers from epileptic seizures, and Cody serves as her lifeline when these seizures occur.

Mary has no family in the area. She cannot work due to her disability. Her only source of income is a small Social Security check.

When Hurricane Sandy hit Crisfield, the water rose rapidly in her apartment. Mary was forced to grab Cody—and nothing else—jump out the window and swim to safety. She lost all her belongings, including all her records, which might be helpful for her to be able to get the benefits she is entitled to.

She is now in temporary housing at a local motel, paying $60 a night, which she cannot afford, until she can qualify for the assistance. In an area that has a high number of low-income elderly persons, Federal assistance is needed to help deserving senior citizens severely impacted by this storm.

Then there is Diane, who also lives in Crisfield with her family in her childhood home. According to Diane, she has weathered many storms over the years but never in her lifetime has she ever seen the water rise so high and so quickly, inundating the first floor of her home and creating huge whitecaps around her neighborhood. Diane decided to ride out the storm in her home, fearing the possibility of drowning if she left.

The family lost all their possessions. With housing vouchers, they are now

living in temporary housing. A church group gutted her home, but she still needs building materials in order to be able to rebuild her home. She does not have the resources to do that. She needs Federal assistance in order to get her life back in order.

They are just two stories, and I could give you numerous others in the State of Maryland. In the western part of our State, in Garrett County—Garrett County is a community of 30,000—15,000 homes were without power. That is just about every home. Trees fell everywhere. This is a remote Appalachian community, where people were isolated because of the storm. They need help. They need partners.

I wish to congratulate Governor O'Malley and our State leaders and our county leaders. FEMA did a great job. I want to thank the Red Cross and other private sector groups.

But now it is time for the Federal Government to act as a true partner.

I thank President Obama for the disaster declaration for our State, including individual relief for the County of Somerset. This legislation strengthens the Federal partnership. It provides the resources so we can help people such as Mary and Diane who have been devastated by the storm. It will provide the resources necessary so they can put their lives back together. I particularly note the $17 billion in CDBG funds. Those are flexible funds that will help people such as Mary and Diane so they can get their lives back together.

I also wish to point out how important the mitigation funds are that are in the supplemental appropriations bill. That will allow us to build to prevent this type of damage in the future. For those who may question the feasibility of this type of investment, let me point to one in Maryland: Assateague Island. We widened and put more beach down on Assateague Island. It was kind of pricey, many people thought, but it acted as a buffer for Sandy coming in and causing more damage in Ocean City. Literally millions of dollars were saved because of Assateague Island acting as a bumper to the storm. Mitigation is important, and we should invest in mitigation.

The next step should be the passage of the supplemental appropriations bill. I have heard many of my colleagues come to the floor who represent States that are directly affected. I have listened as my colleagues around the Nation have talked about disasters in their communities, and we have always come together as a nation. I know we are in the last days of this legislative session. I just urge my colleagues to let us move this bill forward now. Let's get it done so the Federal Government can be there to help the communities that have been affected by this storm. It is the right thing to do, and I hope my colleagues will support that effort.

I yield the floor.

EXECUTIVE SESSION

NOMINATIONS OF FERNANDO M. OLGUIN TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND THOMAS M. DURKIN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California and Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, originally we were planning to vote at 5:30 p.m. The distinguished ranking member has no objection. I ask unanimous consent that the time be divided between now and 5:30 p.m. in the normal fashion and the votes be at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, so Senators will know, it is my understanding that the first vote, on the confirmation of Fernando Olguin, of California, will be a voice vote, and the second one for Mr. Durkin will be a rollcall vote, which is what I understand from the Senator from Iowa, which, of course, is perfectly acceptable to the Democratic side.

Mr. LEAHY. Mr. President, today the Senate is finally being allowed to vote to confirm two consensus judicial nominees who should have been voted on months ago. Both Judge Fernando Olguin and Thomas Durkin were voted out of the Judiciary Committee before the August recess. Both will finally fill judicial emergency vacancies in the Central District of California and the Northern District of Illinois that were needlessly held vacant since this summer by partisan delay tactics. Their service to the American people has been unnecessarily delayed by over four months.

In the Central District of California, there are over 12,000 cases pending before its judges, and in the Northern District of Illinois there are close to 11,000 cases pending before its judges. Every single judge in each district has approximately 450 or more cases pending on their dockets. This enormous backlog of cases exists in many of our Federal courts in this country and it means that the American people are not able to receive speedy justice.

More than twice the number of judicial vacancies exists compared to the vacancies left at the end of President Bush's first term. The Senate should be voting on all 16 of the judicial nominees reported to the Senate by the Judiciary Committee. I have also been urging Republicans to expedite consideration of the four judicial nominees who participated in hearings last Wednesday. That would lead to 20 more confirmations before the Senate adjourns later this month.

Historically, the Senate has confirmed hundreds of judicial nominees within 14 days of their Judiciary Committee hearings, including more than 600 confirmed since World War II within just one week of their hearings. In contrast, obstruction by Senate Republicans has caused President Obama's district court nominees to wait an average of 103 days for a Senate vote after being reported by the Judiciary Committee, which Committee consideration has itself often been delayed 30 days or more after their hearings. This destructive practice of delaying for no good reason should be abandoned.

Republican filibusters and pocket filibusters are also preventing votes on circuit court nominees who should be confirmed by consensus before the Senate adjourns for the year. For example, one of the nominations Senate Republicans are holding up is that of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who they filibustered earlier this year. Senator COBURN, one of his home state Senators, said: ''He has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed.'' That also applies to Richard Taranto, who was reported more than eight months ago to a vacancy on the Federal Circuit. That applies to William Kayatta of Maine, who was reported nearly eight months ago and has the support of his two home state Republican Senators.

After today's votes, there will still be nine judicial nominees stalled on the Senate Executive Calendar who were reported before the August recess, and who should have been confirmed months ago. Most are consensus nominees. All have the support of both their home state Senators, including their home state Republican Senators. The Senate should be voting to confirm all these nominees before the Senate adjourns for the year.

When George W. Bush was President, Senate Democrats cooperated in moving judicial nominees quickly through the Committee and to a confirmation vote at the end of the year. I did so whether I was Chairman or the ranking member. By way of example, in 2008 we confirmed five of President Bush's nominees just three days after their hearing. We have often been able to do this at the end of a Congress, and this year should be no exception especially given the high level of judicial vacancies plaguing our Federal courts.

Judge Fernando Olguin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California, where he has

been serving as a Magistrate Judge for over a decade. He was the first Latino-American to serve as a Magistrate Judge in that District. Prior to that, Judge Olguin was in private practice for several years and also served as a Trial Attorney at the Civil Rights Division of the U.S. Department of Justice. He earned his law degree from the University of California at Berkley. After law school, he clerked for the Honorable C.A. Muecke of the U.S. District Court for the District of Arizona. His nomination has the support of both his home state Senators. Judge Olguin was approved by the Judiciary Committee nearly five months ago by voice vote.

Thomas Durkin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Northern District of Illinois. Currently a partner at the Chicago office of Mayer Brown LLP, he also served as a Federal prosecutor in the Northern District of Illinois for 13 years. During his time as a Federal prosecutor, he rose to become the Chief of the Criminal Receiving and Appellate Division as well as the Chief of the Special Prosecutions Division. From 1991 to 1993, he served as the First Assistant United States Attorney of that District. Upon graduation from law school, he served as a law clerk for the Honorable Stanley J. Roszkowski of the U.S. District Court for the Northern District of Illinois. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of ''Well Qualified.'' His nomination has the bipartisan support of his home state Senators. He was approved by the Judiciary Committee more than four months ago by voice vote.

The Senate should finally confirm these two nominees today and proceed to vote on all the other judicial nominees stalled on the Senate Executive Calendar. We can fill 10 more judicial emergency vacancies before adjourning this year. We can help our Federal courts uphold their constitutional responsibility to provide speedy justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, would it be appropriate if I ask for a rollcall vote on Judge Durkin?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I will not use my entire time. If anybody else wants to speak, there will be time between now and 5:30 to speak. I think both these nominees will be approved overwhelmingly; obviously, the one with the voice vote probably will be, and I think the other one will be as well.

Today, the Senate turns to the confirmation of these two U.S. district judges.

NEWTOWN, CONNECTICUT TRAGEDY

Before I address that issue, I express my condolences to the victims and families in Newtown, CT. As a nation, we join to express our grief and to offer support and comfort to this community. Our thoughts and prayers are with the families who have suffered from this senseless act.

From time to time I have given my colleagues an update regarding the facts of judicial confirmations. Despite our steady progress on confirmations, we continue to hear complaints from bar associations, interest groups, editorial boards, and even some fellow Senators. Of course, these are the same groups that remained silent or at the time cheered on the efforts to block judicial nominees of the previous President. Multiple filibusters, failure to hold hearings, pocket filibusters of one sort or another, and other tactics of delay and obstruction were routinely used against President Bush's nominees. By the end of his Presidency, President Bush had 53 nominees who were not confirmed. That is nearly one out of every seven who were blocked. Somehow that history seems to have faded.

Today we continue to confirm this President's nominees, even in a lameduck Presidential election year. As I have stated before, the Senate rarely confirms judicial nominees during lameduck sessions in a Presidential election year. It did so in a very limited fashion in 1944, 1980, and the year 2004.

The last time a President was reelected—President Bush in 2004—only three judicial nominees were confirmed following the election.

That year, following President Bush's reelection, 23 judicial nominations that were pending either on the Senate executive calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December. Today President Obama will have 10 confirmations in this lameduck session, and obviously a lameduck session in a Presidential election year.

This is a new record. No other President can claim that success. So for those who say this President is being treated differently, I must agree. President Obama will have the most post-election judicial confirmations of any President.

This year has been a productive year for judicial confirmations. We have already confirmed 39 district judges and 5 circuit judges. Today's vote meets or exceeds the confirmations for Presidential election years in recent memory. During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and 4 circuit. This Presidential election year we have exceeded those numbers. We have confirmed 5 circuit nominees, and these confirmations will bring the district confirmations to 41. That is a total of 46 judges this year versus 28 in the last Presidential election year. In fact, going back to 1984, there has been only one Presidential election year in which more district judges were confirmed.

Let me emphasize that point. In only one of the past Presidential elections have more district nominees been confirmed. During this Congress, the 112th, we have confirmed 106 judges. That is the third highest total for any Congress going back to 1989 or, in other words, the past 12 Congresses. In total, the Senate has confirmed 168 district and circuit nominees during this President's first term. So I think by any objective measure one would have to conclude we are treating this President and his nominees quite fairly.

I stated at the beginning of my remarks, I expect these nominees to be fairly noncontroversial or totally noncontroversial. I intend to support them.

Today we vote on the nomination of Fernando M. Olguin, to be United States District Judge for the Central District of California and Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois.

After graduating from University of California Berkeley School of Law in 1989, Judge Olguin clerked for the Honorable C.A. Muecke, U.S. District Court Judge for the District of Arizona. In 1991, Judge Olguin began working as a trial attorney in the Civil Rights Division of the United States Department of Justice. There he prosecuted violations of the Fair Housing Act and the Public Accommodations Act.

From 1995 to 2001, Judge Olguin was a partner at Traber, Voorhees & Olguin, where he litigated housing and employment cases on behalf of underprivileged clients. Since 2001 he has served as a United States Magistrate Judge for the Central District of California.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a rating of Substantial Majority Qualified, Minority Not Qualified.

Mr. Durkin received his B.S. with honors from University of Illinois at Champaign-Urbana in 1975 and his J.D. with honors from DePaul University College of Law in 1978. Upon graduation, he clerked for Stanley J. Roszkowski, United States District Court Judge for the Northern District of Illinois. After his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois. There, he handled a variety of cases, including bank robbery, postal theft, narcotics, immigration cases, firearms cases, commodities, securities and tax fraud, and political corruption. Mr. Durkin also held a number of supervisory roles in the office, including Deputy Chief of Special Prosecutions, Chief of the Criminal Receiving and Appellate Division, Chief of the Special

Prosecutions Division, and First Assistant United States Attorney.

In 1993, Mr. Durkin joined Mayer Brown and focused on white collar criminal defense, internal investigations, patent litigation, securities litigation, civil rights litigation, consumer class action litigation, and product liability litigation. According to his questionnaire, Mr. Durkin has exclusively been a litigator and has frequently been in court his entire career. He estimates that he has tried approximately 95 cases to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous Well Qualified rating.

I support these nominees and congratulate them on their votes for confirmation.

Mr. DURBIN. Mr. President, pending on the Senate calendar today for consideration is the nomination of Tom Durkin to serve on the U.S. District Court for the Northern District Court of Illinois.

Tom Durkin is a consensus bipartisan nominee. Senator KIRK and I strongly support his nomination. We believe he has all of the necessary attributes to be an effective Federal judge. Our view was shared by bipartisan screening committees in Illinois. Senator KIRK's committee, and my own committee, recommended Tom Durkin.

It is no secret that he has the qualifications, independence, and integrity to serve in a distinguished manner on the bench. The nonpartisan American Bar Association has awarded Mr. Durkin its highest rating of unanimously well-qualified.

Throughout his career Tom Durkin has demonstrated strong leadership in his community and a solid commitment to public service.

A native of Chicago, Tom received his bachelor's degree with honors from the University of Illinois at Urbana-Champaign, and received his J.D. with honors from DePaul University College of Law. After graduating from law school, he served for 2 years as law clerk to the Honorable Stanley J. Roszkowski, a personal friend of mine, and an excellent judge for the District Court for the Northern District of Illinois.

Following his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois where he worked for 13 years and served in numerous leadership positions, including first assistant U.S. attorney. He joined the law firm of Mayer Brown as a partner in 1993 where he works to this day. His practice concentrates on complex commercial litigation and criminal defense. He has received numerous awards, including listings in ''The Best Lawyers in America'' and ''Illinois Super Lawyers.''

Mr. Durkin also has an impressive record of community service. He served for 9 years on the board of Legal Assistance Foundation in Chicago, and for nearly a decade he was the chair of Mayer Brown's pro bono committee. He has also taught as an adjunct professor of law at DePaul and at the John Marshall Law School.

Tom Durkin was reported out of the Judiciary Committee by a unanimous vote on August 2, 4½ months ago. I am relieved we are finally moving ahead with his confirmation. This vacancy, incidentally, has been declared a judicial emergency, and I am glad it is now going to be filled.

In closing, I wish to note that he comes from an extraordinary family, well known throughout Chicago, and especially in legal circles. There is only one black sheep in the family; it is Tom's brother, Jim, a Republican State representative who ran against me for the Senate in 2002 the famous Durkin-Durbin race in Illinois. But we ended that race friends. I have great respect for Jim and Tom Durkin and for their whole family.

I wish Tom Durkin the very best and commend his nomination to my colleagues. I believe he will be an excellent Federal court judge and I am glad he and several other Federal district court nominees are going to be confirmed this week.

• Mr. KIRK. Mr. President, I offer my strong support for Thomas Durkin to fill one of the four vacancies on the U.S. District Court in the Northern District of Illinois.

Because of his outstanding experience and record of public service, I submitted Thomas Durkin's candidacy to the White House in July 2011, following the recommendation of my nonpartisan Judicial Review Commission. Senator DURBIN had previously forwarded Mr. Durkin's name to President Obama in 2009, based on the recommendation of his screening committee.

The judgeship for which Mr. Durkin has been nominated is considered a ''judicial emergency'' by the Judicial Conference of the United States. Confirmation of this qualified nominee will ease the backlog of cases and allow the dispensation of justice in a fair and timely manner.

I thank Senator DURBIN for his leadership, and I urge my colleagues to support this bipartisan nomination and confirm Mr. Durkin to the Federal bench.•

Mrs. FEINSTEIN. Mr. President, I wish to express my strong support for the nomination of Fernando Olguin, whom I recommended to President Obama to be a U.S. District Judge for the Central District of California after he earned a strong recommendation from my bipartisan judicial selection committee.

Born and raised in the greater Los Angeles community of Azusa, Judge Olguin lives in the Los Angeles area today.

He is a graduate of Harvard University and the University of California, Berkeley School of Law.

After serving for 2 years as a law clerk to a Federal district court judge in Arizona, Judge Olguin joined the U.S. Department of Justice through the Attorney General's Honors Program.

From 1991 through 1994, Judge Olguin served as a trial attorney in the Civil Rights Division in Washington, DC, enforcing numerous Federal statutes, including the Fair Housing Act and the Public Accommodations Act.

He then joined the Mexican-American Legal Defense and Education Fund, or MALDEF, serving as its national education program director from 1994 to 1995 in Washington, DC.

Judge Olguin then came back to California, becoming a partner at the law firm Traber, Voorhees, and Olguin, where he practiced civil litigation from 1995 to 2001.

He was appointed to serve as a magistrate judge in 2001, where he has built a stellar record. In his 11 years on the bench, he has managed a docket of hundreds of cases at a time and issued hundreds of published opinions, as well as nearly 2,000 decisions and orders.

In 2011, he had the best record of any magistrate judge on the court at working with litigants to settle their disputes. This is very important in a busy district like the Central District, whose judges carry the seventh-highest civil caseload in the Nation.

Judge Olguin is well respected in the L.A. community, and he is supported by the law enforcement community including L.A.P.D. Chief Charlie Beck, L.A. County Sheriff Lee Baca, and the Los Angeles Police Protective League.

Chief Beck says Judge Olguin's record ''has been characterized by fairness, thoroughness, sound judgment, and evenness of temperament.''

In short, Judge Olguin is well-qualified, seasoned, and fair. I am very proud to support him, and I urge my colleagues to support him as well.

I also want to urge the confirmations of other judicial nominees from my home State, many of which have been pending on the executive calendar for months.

Including Judge Olguin, four of the 13 District Court nominees on the executive calendar are from California. The other nominees are: Superior Court Judge Jon Tigar and Bill Orrick, nominees to the Northern District recommended by Senator BOXER; and Superior Court Judge Troy Nunley, a nominee to the Eastern District whom I recommended to the President.

All three were approved by bipartisan votes in the Judiciary Committee, two of them by voice vote.

Each of these districts is in a judicial emergency according to the Judicial Conference of the United States.

The Northern District's caseload is over 20 percent above the national average. It now takes over 50 percent longer for a case to go to trial than it did a year ago in the Northern District, which hears some of our country's most complex technology cases.

The Eastern District is the most overworked district in the Nation by far. With over 1,100 weighted filings per

judgeship, its caseload is over twice the national average.

With this extreme crisis, I especially urge my colleagues on the other side of the aisle to allow Judge Troy Nunley to be confirmed this year.

Judge Nunley essentially was a career prosecutor and State Department of Justice lawyer before joining the State bench over 10 years ago. He is highly qualified and experienced. He also earned unanimous support in the Judiciary Committee, so he is uncontroversial.

I am very pleased we recently confirmed Jesus Bernal to the Central District, and I urge my colleagues to support Judge Olguin as well.

My State—more than any other—urgently needs us to take prompt action on judicial nominees. I am pleased with the progress we have made in the lame-duck, and I very much hope the three other California nominees who remain on the calendar will be confirmed.

Mrs. BOXER. Mr. President, I am proud to offer my support for the confirmation of Magistrate Judge Fernando M. Olguin to the U.S. district court for the Central District of California.

Judge Olguin was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to California's Central District.

Judge Olguin will bring to the bench his broad experience as a skilled lawyer and a Federal magistrate. A graduate of Harvard University and the University of California, Berkeley School of Law, Judge Olguin worked from 1995 to 2001 as a partner for the law firm of Traber, Voorhees, and Olguin. In 2001, he received an appointment to become a magistrate judge in the Central District of California, where he has served with great distinction.

I urge my colleagues to support the Olguin nomination.

Mr. GRASSLEY. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

PASSING OF SENATOR INOUYE

Mr. REID. Mr. President, I rise with a real heavy heart. Our friend, DAN INOUYE, just died.

I have never known anyone like DAN INOUYE. No one else has. The kindness he has shown me during my time here in the Senate is something I will cherish always. He was a man who has lived and breathed the Senate. If there were ever a patriot, DAN INOUYE was that patriot.

A week ago last Friday he and I spent some time together in his office, just the two of us alone. We spent an hour together, and we ended the meeting with both of us saying: You know, we need to do this again. Well, I won't be able to do that again. He won't be able to do that again.

He was a wonderful Senator, brave soldier, a recipient of the Medal of Honor, the Distinguished Service Cross, the Bronze Star, and Purple Heart. He left an arm in Italy. He said to me at that last meeting together, when I asked him: DAN, did anything else happen to you, other than your arm? He said: Yeah, I got shot in the gut—that is what he said—and the leg a couple of times.

We will all miss him, and that is a gross understatement. I wish I were capable of saying more, but that is all I can say. I have talked to his wife Irene. She is there, with his son. We have known for a few hours this wasn't working out well for Senator INOUYE. But he was certainly one of the giants of the Senate.

I remember what he said when his son asked why he fought the way he did after having been declared an enemy alien. He said he did it for the children. That was Senator INOUYE. His commitment to our Nation will never be surpassed. His service in the Senate will be with the greats of this body.

Now I should ask my friend if he wishes to speak upon this issue. It would be my hope the two votes that are scheduled could both be done—these judges—by voice vote. I don't think it is appropriate to record a vote at this time.

Mr. President, I ask unanimous consent that the two judges be approved by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think we all, at a subsequent time—I just talked to his wife and walked out here—will have some more formal remarks.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I too am going to address the remarkable life of Senator INOUYE at a later time, but I did want to make some observations here for a few moments at the time of his passing.

Senator INOUYE was a man who, as we all know, rarely called attention to himself but who lived a remarkable American life filled with the dignity and grace of the true hero he was.

He was only 17 when he heard the sirens over Honolulu and saw the great planes flying overhead. At the time he dreamed of being a surgeon. A few years later a medic would be taking care of him after his heroic action in the Italian mountains, for which he would one day receive our Nation's most prestigious award for military valor.

DAN INOUYE's dream of being a surgeon was not realized but there were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

An iconic political figure of his beloved Hawaii, and the only original member of the congressional delegation still serving in Congress, he was a man who had every reason to call attention to himself but who never did.

He was the kind of man, in short, that America has always been grateful to have, especially in our darkest hours—men who lead by example and who expect nothing in return.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I didn't mention, and I should have, but I really have been waiting the last hour or so to make sure it was okay with his wife that I come and say something, so I haven't had time to do much other than feel bad about Senator INOUYE.

As I indicated, I talked to Irene. I wasn't able to talk to Ken, but I did talk to Irene. I want to make sure everyone understands the depth of my feelings—and I know I am speaking for the entire Senate. DAN INOUYE believed in me, even more than I believed in myself. Many, many years ago—a couple of decades ago—he said: You know, you're going to do great things in the Senate, and he always talked about my leading the Senate. And he always came and said: You did the right thing. He would always tell you that you would do the right thing.

The chapter of DAN INOUYE in the Senate is something that is remarkable, not only his military record but what he did with the defense aspects of our country, the security aspects of our country. And there was no one more bipartisan than Senator INOUYE.

He has a brother who lives in Las Vegas, and a wonderful person he is, but he was as close to Ted Stevens as he was to any person could be to a brother. They were brothers. They called themselves brothers. So he set an example always about bipartisanship, about working with others. And as far as being a good member of our caucus, no one was better than he was.

No one has been a better American than Senator INOUYE. And when we talk about people in Hawaii and who they revere, it is Senator INOUYE. The State of Hawaii is going through a great deal at this time. Senator AKAKA has announced his retirement, and now the death of Senator INOUYE.

On behalf of all Senators, I express my appreciation for his service and his friendship.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The majority leader.

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

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

VOTE ON NOMINATION OF THOMAS M. DURKIN

The PRESIDING OFFICER. Under the previous order, the question is, Will

the Senate advise and consent to the nomination of Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois?

The nomination was confirmed.

VOTE ON NOMINATION OF FERNANDO M. OLGUIN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous, the Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Madam President, I rise today in recognition of International Human Rights Day. Sixty-four years ago this past Monday, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This declaration enunciates a doctrine that serves as a foundation for human rights initiatives internationally and as an enduring guide for human rights advocates around the globe.

On this annual celebration of International Human Rights Day, human rights defenders, champions of democracy, promoters of civil rights, and advocates of free speech across the globe can also be encouraged by Congress's recent passage of landmark human rights legislation. Last week, the Senate passed the Sergei Magnitsky Rule of Law Accountability Act, which the House passed in September in conjunction with approving permanent normal trade relations for Russia.

The Magnitsky Act was inspired by the tragic case of Sergei Magnitsky, a 37-year-old Russian lawyer who uncovered massive corruption in Russia and then was arrested for his whistleblowing. Magnitsky died in 2009 after suffering torturous conditions in pretrial detention. Those implicated in the corruption Magnitsky exposed and those responsible for his torture and death have not been brought to justice, and some have even been decorated and promoted. The Magnitsky Act goes beyond the specific violators in this case to prohibit all gross violators of human rights in Russia from traveling to the United States and from using our financial system.

President Obama is now poised to reaffirm our Nation's commitment to universal human rights by signing the Magnitsky Act into law. With the stroke of a pen, the President will set a new global standard that other nations are sure to follow. The act sets a precedent that can be applied to human rights abusers around the world, and I am committed to working with my colleagues in the next Congress to apply the Magnitsky sanctions globally. Human rights violators from Kinshasa to Beijing are now on notice that the United States stands in solidarity with those whose rights are trampled and will deny the legitimizing privileges of travelling to our country and accessing our financial system to those who violate fundamental freedoms.

The United States remains the global leader in promoting and protecting human rights, but we need to do more. We need to ensure that women across the world have the liberty to determine the course and scope of their own lives and futures and that they have the tools to achieve their full potential. The horrific and cowardly attempt by assassins to silence the brave leadership of 15-year-old Malala Yousufzai must not be left unchallenged. We must take up her cause—the education of girls and women—and support both that goal and its advocates, and we must redouble our efforts to protect the rights of ethnic, linguistic, and religious minorities, from the Christians in Egypt to the Roma population in Europe.

As the legendary Nobel laureate Elie Wiesel has said, ''Wherever men and women are persecuted because of their race, religion, or political views, that place must—at that moment—become the center of the universe.'' This International Human Rights Day, the U.S. Congress sends a strong message to human rights defenders around the world that we stand in solidarity with them as they dare to stand up to injustice and oppression.

RECOGNIZING CHOBANI YOGURT

Mr. RISCH. Madam President, my colleague, Senator MIKE CRAPO, joins me in recognizing the opening this month of the Chobani Yogurt production facility in Twin Falls, ID.

This facility, Chobani's first in Idaho, will be capable of producing 4.2 million cases of yogurt per week at full capacity. All of the milk used to produce the yogurt will come from Idaho dairy farms and at the peak of production will use millions of pounds of milk a day.

The 950,000-square-foot production facility was constructed by more than 1,000 workers and will employ between 400 and 500 people next year. More than 300 new jobs have already been created in Twin Falls. It was built at a cost of $450 million and is now the largest yogurt plant in the world.

From its founding in 2005, the Chobani company started with 5 employees and now has more than 1,800 employees worldwide, with more than 1,600 in the United States. Their founder and CEO, Hamdi Ulukaya, is an American success story, having immigrated to the United States from Turkey in 1994.

Like many businesses in Idaho, Chobani will be involved in local charitable work. Chobani's biggest impact, however, will be in providing well-paying jobs and economic growth through manufacturing a delicious and healthy product available throughout the country.

Chobani recognized the many benefits to locating in Idaho—among them the quality milk produced by our Idaho dairy families, a commonsense regulatory environment and hard-working Idahoans who will make the facility a great success.

Senator CRAPO and I also recognize the many entities that worked with Chobani to make their opening a reality. Elected officials from Twin Falls County and the City of Twin Falls worked tirelessly on the project, as did the Southern Idaho Economic Development Organization. The Twin Falls Chamber of Commerce and the Twin Falls Urban Renewal District also played a major role in the effort. The State of Idaho and its Department of Commerce helped in the process, and the end result is not only the direct jobs at Chobani, but also a multiplier effect of more than 3,000 additional jobs in the State.

Today, we congratulate Chobani on the opening of their new plant and salute all of the partners and community leaders on a job well done. We welcome Chobani to the great State of Idaho.

ADDITIONAL STATEMENTS

REMEMBERING CARMEN WARSCHAW

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring Carmen Harvey Warschaw, the great California philanthropist and political leader who died at age 95 on election day, a week after she had made sure to vote by mail. Carmen was a trusted mentor, adviser, and dear friend to me, and I will miss her.

Carmen Harvey was born in Los Angeles in 1917. Her parents had immigrated to America from Lithuania, and her father founded the Harvey Aluminum Company. Carmen grew up in La Cañada, graduated from the University of Southern California, and married Louis Warschaw, her high school sweetheart.

From an early age, both Carmen and Lou were active in the California Democratic Party. Throughout the

years, Carmen worked tirelessly to elect Democrats at the local, State, and national level. She attended every Democratic National Convention from 1948 to 2008, many as a delegate. In the mid sixties she served as the party's Southern California chairwoman, was a member of the Democratic National Committee, the first woman to chair the California Fair Employment Practices Commission, and a board member of California's coastal and fair housing commissions.

Carmen's passion for politics was equaled by her compassion and philanthropy. She was an active member of many organizations, including the Los Angeles Music Center, the Truman Library Institute, the Jewish Federation of Greater Los Angeles, and the Women's Guild and Helping Hand of Los Angeles.

Carmen long served as a member of the board of directors at Cedars-Sinai, where she endowed medical and research chairs and founded the PROs, which funds the Louis Warschaw Prostate Cancer Center. Two years ago, at age 93, Carmen joined me on a tour of the Cedars-Sinai Emergency Room and Operating Room; I remember joking that she was the only person I knew who could get me to put on scrubs.

Carmen was also very generous to her alma mater, USC, where she and Lou helped to establish the Casden Institute for the Study of the Jewish Role in American Life and the Jesse M. Unruh Institute of Politics at USC. In 2003, Carmen endowed a chair in practical politics at the Unruh Institute so that students could learn about the nuts and bolts of politics as part of their political science education.

This world and Carmen's beloved State of California are much better places thanks to her passion, compassion, and commitment. On behalf of the people of California, I send my deepest gratitude and condolences to her daughters, Hope and Susan; her sons-in-law, John Law and Carl Robertson; her grandchildren, Jack Law-Warschaw, Cara Robertson, and Chip Robertson; and her great-grandchildren and many friends. We will all miss this dynamic force of nature and extraordinary woman.●

REMEMBERING PETER N. LETANG

● Mr. COONS. Madam President, I wish to honor the life and legacy of Peter N. Letang, Esq. For over 40 years, Mr. Letang was a prosecutor for the State of Delaware, a pioneer for justice who was respected and beloved by all those who had the pleasure to know him. Mr. Letang's courtroom achievements are numerous, from being instrumental in the State's first use of DNA for conviction, to handling many of the State's most highly publicized cases.

Peter was a Delaware legal powerhouse, but his courtroom achievements are only part of the man he was. He was a great friend, a tremendous storyteller and a warm and wonderful human being. It is my privilege to honor his achievements, his spirit and the tremendous impact he had on the State of Delaware.

Peter believed in our justice system, and he devoted his life to ensuring it worked for all Delawareans. Day in and day out, he approached every case with a positive attitude and a willingness to help. He took tremendous pride in his work and earned the respect of his peers through his long career as a deputy attorney general with the Delaware Department of Justice and chief New Castle county prosecutor.

Our thoughts are with the entire Letang family, including his wife Debra, their children Nick and Samantha, his sister Lisa and his nieces and nephews Carson, Cooper and Cutter. The State of Delaware lost a great citizen in Peter Letang, but his legacy will long be remembered.●

REMEMBERING ROMEO BARRERAS

● Mr. HELLER. Madam President, today I wish to honor the life of Pvt. Romeo Barreras, a Nevadan and Filipino-American World War II veteran, whose recent passing is a devastating loss to the Silver State. As a member of the ''Mighty Five,'' a group of veterans living in Las Vegas, Pvt. Romeo Barreras helped lead the fight to provide proper military recognition and compensation for nearly 24,000 Filipino World War II veterans. I am grateful for his service to defend democracy around the world and will continue to do everything within my power to ensure that Filipino veterans are honored for their sacrifices.

Pvt. Romeo Barreras fought bravely for our country and yet was not able to qualify for the military benefits he earned and deserved. That is why I introduced the Filipino Veterans Fairness Act, to establish a process for Filipinos who have fought alongside the U.S. military during World War II to work with military historians to determine eligibility for military benefits. We have a responsibility to ensure that individuals who served honorably alongside U.S. troops are recognized for their contributions to our Nation.

I am humbled to have known Pvt. Romeo Barreras. It was a privilege to work with him on behalf of all Filipino American World War II veterans. My thoughts and prayers go out to his family during this difficult time.

In memory of Pvt. Romeo Barreras, I will continue fighting to ensure that veterans and their families are properly thanked for their sacrifices. Today, I ask my colleagues to join me in remembering the life of an honorable man who was dedicated to providing justice for deserving veterans.●

TRIBUTE TO LIEUTENANT COLONEL KEVIN K. CALLIES

● Madam JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to LTC Kevin K. Callies, upon his retirement from the South Dakota Air National Guard. Lieutenant Colonel Callies has served as the financial manager for the 114th Fighter Wing in Sioux Falls, SD, since 2003. His career with the South Dakota Air National Guard has spanned a period of over 30 years.

Lieutenant Colonel Callies began his career in the South Dakota Air National Guard in 1977 as a traditional guardsman in personnel. In 1978, he transitioned to finance, where he would spend most of his career. In 1988, while working full time, he earned a bachelor of science in business administration from National College, now known as National American University. After almost 17 years of enlisted service, he received his commission through the Academy of Military Science in 1993.

Lieutenant Colonel Callies excelled in the field of finance, with positions in civilian pay, military pay, accounting, and budget. His superior knowledge of financial management has earned him numerous awards locally and nationally. In both 1997 and 2004, Lieutenant Colonel Callies's unit, the 114th Fighter Wing, was named Air National Guard Financial Management and Comptroller Office of the year. As one of the best financial managers in the Air National Guard, the National Guard Bureau and the Pentagon have sought out his expertise.

He served as a member of the Resource Protection Team, RPT, and held the position of commander from 1993 to 2002. While on the RPT he dealt with security issues related to the September 11 attacks, visits by the President, and forest fires. In 2002, Lieutenant Colonel Callies accepted a position as logistics manager, where he was in charge of all the activation activities, expeditionary combat support, and deployment functions of the 114th Fighter Wing during their deployment to Turkey to support Operation Northern Watch. After serving as logistics manager, he returned to finance and in 2010 was deployed to Haiti to assist with a Joint Command financial management mission with the U.S. Army.

It is an honor for me to share Lieutenant Colonel Callies's accomplishments with my colleagues and publicly commend him for his hard work and the many years of dedicated service he has given the South Dakota Air National Guard and our Nation. I wish Kevin a happy and healthy retirement with his wife Joyce and their four children.●

TRIBUTE TO GENERAL TARBET

● Mr. LEE. Madam President, today I wish to honor one of Utah's finest, MG Brian Tarbet, the Adjutant General of the Utah National Guard. After 12 years of leadership with the Utah National Guard and 39 years of highly decorated service in the United States Military, General Tarbet is retiring, closing a transformative chapter in Utah's history.

General Tarbet's military career began in the U.S. Army Reserve in 1973, where he served on active duty until 1975 and then joined the Army National Guard in 1976. From 1976 he served in the 142nd Military Intelligence Battalion and was then appointed Commander of the 300th Military Intelligence Linguist Brigade in 1993. He led the 97th Troop Command in 1996 and from September of 2001 he directed the mobilization, deployment and redeployment of virtually all units of the Utah Army and Air National Guard in support of the Global War on Terrorism. The Utah National Guard has units that specialize in intelligence, special forces and aviation which have been particularly important to the War on Terrorism, and in 2003–2004, 80 percent of Utah's reserve units were mobilized or on alert, which was among the highest in the National Guard. The Guard also provided assistance in the gulf coast in 2005 to the victims of hurricanes Rita and Katrina and to the U.S.-Mexico border in support of Customs and Border protection operations.

General Tarbet's awards and achievements include the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Military Outstanding Volunteer Service Medal, Armed Forces Reserve Medal, the Army Service Ribbon, the Army Reserve Components Overseas Training Ribbon, Utah Medal of Merit, Utah Joint Commendation Medal, Utah Achievement Ribbon, Utah Joint Staff Service Ribbon, Utah State Partnership Program Service Ribbon, Utah Service Ribbon, Utah Emergency Service Ribbon, and the 2002 Winter Olympic Games Service Ribbon.

In 2002, just months after the September 11th terrorist attacks, Salt Lake City was slated to host the Winter Olympic games. Security was a tremendous concern with talk of cancelling the games altogether. With the entire nation on high alert, General Tarbet commanded 4,500 National Guardsmen from 25 States in the security operation. The games were a tremendous success, and the security was lauded for its effectiveness and unobtrusiveness. The games served as a triumphant American moment at a time when the nation needed it most.

The good will of the Utah National Guard extends far beyond the borders of our own State, and guided the men and women of the Guard to places where their service was needed most. Winston Churchill said, ''The price of greatness is responsibility.'' General Tarbet has seen more than his fair share of difficult tasks and responsibilities and has performed each admirably. I believe every soldier who has had the opportunity to serve under his charge would agree that he has been a leader of unprecedented character. The greatest commendation came from one of Tarbet's own soldiers, who said, ''Major General Tarbet is loved by his soldiers. He has served us with impeccable integrity, courage and common sense during a very tumultuous and unprecedented time.'' Sharon and I thank Major General Tarbet for his service and wish him and his wife Mary all the best as they enter the next chapter of their lives.●

REMEMBERING WARREN E. BRITCHER

● Mr. MENENDEZ. Madam President, on December 10 of this year Mr. Warren E. Britcher, a veteran of World War II and former manager of the Senate restaurant, passed away at the age of 91.

Warren Britcher was born and raised in Springfield, OH. He proudly served in World War II as a T4 sergeant in the U.S. Army, eventually managing the kitchen of Fort McClellan, one of the largest Army installations during World War II. After serving in the Army, Warren went to work for Canteen Food Service, where he held various managerial assignments. In August of 1950, Warren came to Washington, DC, to serve as manager of the Senate restaurant, where he oversaw the inaugural luncheon of U.S. President Dwight D. Eisenhower. Afterward, he became the operations manager for Yankee Stadium Foods and Concessions before opening his own restaurant and catering establishment, Swiss Town House, in my hometown, Union City, NJ. He left his restaurant in 1977 to pursue a new position at Yonkers Raceway and later supervised the USS Intrepid Air and Space Museum food service. Prior to his retirement to Florida, he created Britcher Concession Corporation.

Warren was the devoted husband of the late Dorothy Mae Lighthiser Britcher and the father of Sherrie Ahrens, Drew Britcher, and the late Warren Britcher, Jr. He was the proud grandfather to four grandchildren, Douglas, Craig, Sean, and Caitlin Anne, and had four great grandchildren. He will be laid to rest at Ferncliff Cemetery in his hometown of Springfield, OH.

Warren's service to our Nation and his contributions to the food service industry will not be forgotten. My sympathies go out to Warren's two surviving children, Sherrie and Drew, and his grandchildren and great-grandchildren.●

LOSS OF DR. MARSHALL LONDON

● Mr. SANDERS. Madam President, I rise today to take note of the death of a remarkable resident from my State of Vermont, Dr. Marshall London. Dr. London was one of the most prominent citizens in Burlington, VT. A deeply beloved physician, he was also a lifelong progressive and a liberal.

A native of Vermont, he attended the University of Vermont, where in 1948 he served as the campus organizer for the Progressive Party nominee for President, Henry Wallace. He served as a flight surgeon in the US Air Force from 1961–1963. In the late 1960s, Marshall London and his family volunteered in support of Caesar Chavez's United Farm workers. He provided medical services to migrant workers in Delano, CA.

In 1970 he returned to his native Burlington with his wife and children. A lifelong supporter of universal health care, Dr. London was committed to serving the underserved and the elderly. Not only did he make house calls, but in addition to his medical bag he regularly carried plumbing and electrical tools to make home repairs for his patients. In the early 1990s, Dr. London, as President of the Jewish Community Council of Burlington, worked to resettle émigrés from the former Soviet Union.

He never severed his ties to the UVM Medical School, where he continued to serve as a mentor and teacher at the Fletcher Allen Hospital, even after he retired in 1997.

In a time when corporate values have spread beyond business to such areas as education and health care, Marshall London serves an enduring example that there are other values which can guide human life. He was a caring physician, one who always charted his course by paying attention to those most in need, and always depending on an exemplary social conscience. He was dedicated to his family. And he did not restrict his life to work. Dr. London was an alto saxophone player in the Vermont Catamount Band and Burlington City Band. He was also an avid tennis player and skier. Like so many Vermonters—and he was a fifth-generation Vermonter—he was also a loyal Red Sox fan.

Dr. Marshall will be missed, though the example of his life and values will endure.

I ask that Dr. London's obituary be printed in the RECORD.

The obituary follows:

[From the Burlington Free Press, Dec. 13, 2012]

MARSHALL G. LONDON

BURLINGTON.—Marshall G. London, a fifth generation Burlingtonian, beloved family man and dedicated local physician who made house calls an integral part of his practice, died at home on Dec. 12, 2012. He was 83.

The grandson of a founding member of Burlington's first synagogue, Ahavath Gerim, Marshall was a featured participant in the recent Vermont Public Television documentary ''Little Jerusalem.''

He took pride in his local roots and Jewish heritage, and had an enduring passion for Jewish history, and a strong commitment to Israel.

He was born and raised in Burlington's Old North End. He graduated in 1951 from the University of Vermont, where he was president of the Tau Epsilon Phi Fraternity. Always staunchly liberal in his politics, Marshall was a campus organizer of the 1948 presidential campaign for Progressive Party candidate Henry Wallace.

He and Susanne (Sue) Abrams were married in 1953 and had six children.

Marshall began his medical career with an internship at the Mary Fletcher Hospital, followed by a residency at Mount Zion Hospital in San Francisco, Calif. Subsequently, he served as a flight surgeon in the U.S. Air Force in South Carolina. From 1961 to 1963, he completed a rheumatology fellowship at the Manchester Royal Infirmary in England, which included clinic visits across Europe. With children in tow, the London's camped in their VW bus from Lapland to Italy.

After returning to Burlington from England, they moved to California, where Marshall joined a private practice in Los Gatos. During this time, he volunteered in support of Cesar Chavez's United Farm Workers, providing medical service to migrant workers in Delano, Calif. In 1970, Marshall and his family again returned to Burlington, where he opened a private practice on Orchard Terrace.

A lifelong advocate of universal healthcare, he was committed to providing for the underserved and the elderly, and he volunteered as a mentor and teacher at the medical school for many years. He made house calls equipped with his medical bag, and sometimes with plumbing or electrical tools to assist with all manner of repairs.

He retired in 1997, but continued, even in recent months, attending Grand Rounds at the hospital and visiting former patients in their homes.

An alto saxophone player in the Vermont Catamount Band and Burlington City Band, he was also an avid tennis player, skier, and loyal Red Sox fan.

He and Sue traveled frequently, visiting Israel and often tent-camping in Newfoundland and Labrador. They made many friends in their travels, and their 19th-century home bustles year-round with family and friends old and new.

Like his parents and grandparents before him, Marshall was a devoted member of the Ohavi Zedek Synagogue for many years. He later joined Chabad of Vermont, where, closer to the traditional roots of his grandfathers, he found new spiritual and intellectual inspiration.

He is survived by his wife, Susanne; children, Rebecca and Aaron Goldberg of Burlington, Saul and Georgette London of Highland Park, N.J., Sara London and Dean Albarelli of Northampton, Mass., Naomi London of Burlington, Daniel and Andrea London of Evanston, Ill., and Rachel London and Matt Bohner of Brooklyn, N.Y.; foster daughter, Linda and Jim Nyema-Davies of Greensboro, N.C.; grandchildren and great-grandchildren, Dinah and Joshua; Jesse and Emily; Tamar and Isaac; Ilana and Jonny, and children, Maya, Nitzan and Yoav; Tova and Shmuel and daughters, Bracha and Tehila; Amalia and David, and son, Ruby; Ziva and Daniel, and son, Avromy; Jack, Matan, Yonah, Liora, Cooper and Cali.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

DISTRICT OF COLUMBIA'S FISCAL YEAR (FY) 2013 BUDGET AND FINANCIAL PLAN, RECEIVED DURING ADJOURNMENT OF THE SENATE ON DECEMBER 14, 2012—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

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

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

BARACK OBAMA.

THE WHITE HOUSE, *December 14, 2012*.

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MCKEON, BARTLETT, THORNBERRY, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, RIGELL, Mrs. HARTZLER, Mr. WEST, Mrs. ROBY, Messrs. SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. ROGERS of Michigan, NUNES, and RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of sections 541 and 561 of the House bill and sections 563 and 571–73 of the Senate amendment, and modifications committed to conference: Mr. PETRI, Mrs. NOEM, and Mr. SCOTT of Virginia.

From the Committee on Energy and Commerce, for consideration of sections 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and sections 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference: Messrs. WALDEN, WHITFIELD, and WAXMAN.

From the Committee on Financial Services, for consideration of section 661 of the House bill and sections 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference: Mrs. CAPITO, Messrs. HUIZENGA of Michigan, and PERLMUTTER.

From the Committee on Foreign Affairs, for consideration of sections 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, sections 3120, 3121, and 3123 of the House bill and sections 237, 342, 873, subtitle F of title VIII, sections 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, sections 1301, 1531, 1532, 1534, 3114 and 5023 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Messrs. ROYCE, and BERMAN.

From the Committee on Homeland Security, for consideration of section 1111 of the House bill and section 1803 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, Turner of New York, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and sections 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII and title LI of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, DANIEL E. LUNGREN of California, and CONYERS.

From the Committee on Natural Resources, for consideration of sections 316, 317, 601, 2841, 2846, and 2861 of the House bill and sections 271, 312, 1091, 1433, title XIX, and section 2842 of the Senate amendment, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of sections 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and sections 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference: Messrs. ISSA, WALBERG, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of sections 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and sections 271, 912, 1046, title XVIII, sections 3153, 3159 and 3504 of the Senate amendment, and modifications committed to conference: Mr. HALL, Mrs. BIGGERT, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of sections 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and sections 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Ms. HERRERA BEUTLER, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and sections 521, 1803, 1804, 3503–05, 3508, and 3509 of the Senate amendment, and modifications committed to conference: Messrs. MICA, COBLE, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of sections 355, 564, 565, 664, and 728 of the House bill and sections 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference: Messrs. BILIRAKIS, LAMBORN, and MICHAUD.

ENROLLED BILLS SIGNED

At 2:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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

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

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. COONS).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

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

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

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

The Secretary of the Senate reported that on today, December 17, 2012, she had presented to the President of the United States the following enrolled bills:

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

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 675. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 112–251).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WARNER:

S. 3684. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care coordination services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. KERRY:

S. 3686. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3687. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes; considered and passed.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 3688. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 619. A resolution to elect Patrick J. Leahy, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DURBIN):

S. Res. 620. A resolution to authorize Harry Reid, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to Patrick J. Leahy, a Senator from the State of Vermont; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 621. A resolution condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3633

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3633, a bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City.

S. 3678

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3678, a bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes.

S. RES. 439

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 439, a resolution expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce S. 3685, The Department of the Interior Tribal Self-Governance Act of 2012. I am proud to introduce this bill and I am thankful for the cosponsorship of my friend and colleague, the Vice Chairman of the Indian Affairs Committee, Senator BARRASSO. The Department of the Interior Tribal Self-Governance Act of 2012 is an important next step in our Federal policy of recognizing and supporting tribal self-governance.

Our country's Native peoples have always had the right to govern themselves. When the earliest explorers arrived in the New World, they recognized the sovereignty of the Native peoples they met. Soon after, European colonial nations began entering into treaties with Indian tribes as they expanded into the American continent. It is clear, from the terms of the Constitution, our Founding Fathers understood the sovereign authority of tribes, and their capacity to be self-governing. From our earliest days as a Nation, we entered into treaties with the Indian tribes, just as we did with a diversity of foreign nations, governing issues such as trade, peace, and other relations.

With our westward expansion, and as public sentiment and Federal policy objectives turned to Manifest Destiny during the 19th century, Federal policies toward our Country's first peoples changed, and the movement to remove and assimilate the Native peoples began. The United States, recognizing the sovereignty of tribes, again relied on treaties to facilitate the acquisition of native lands, and promised in exchange to provide for Indian health, education, welfare, and housing.

This change in Federal policy devastated Native peoples. It turned out that the Federal Government was not a very effective administrator of programs aimed at fulfilling our country's trust responsibility to its native peoples.

By the late 1960's and early 1970's Federal Indian policy shifted again to one that began to reaffirm the inherent right of Native peoples to govern themselves and fully support them in doing so. This policy became formalized by the enactment of the Indian Self-Determination and Education Assistance Act in 1975, which enabled tribes to contract with certain Federal agencies to provide federal programs to their tribal members and communities.

Subsequent legislation allowed tribes greater flexibility in designing and operating Indian 410 programs for tribes who have a demonstrated capacity. Currently, about 60 percent of tribes carry out self-governance compacts with either the Department of the Interior or the Indian Health Service, or both.

Federal reaffirmation and support of tribal sovereignty through self-governance programs has enabled tribes to generate revenues through their own business enterprises, establish their own courts and law enforcement systems, and remake school curricula to better meet the needs of Native students. Importantly, tribes have done this without forced assimilation to mainstream American traditions and norms. This Federal focus on self-determination and self-governance has proven to be the only Federal policy that has worked for Native communities. Studies show that self-determination policies have enabled Indian tribes to build strong economies, reverse decades of language loss, and tailor programs and services to better meet the needs of their people.

It is our responsibility to ensure that our policy of self-governance advances to meet the needs of native peoples. As Chairman of the Indian Affairs Committee, it has come to my attention that several relatively minor technical changes are needed to the underlying law to ensure the goals of our federal policy are realized. For instance, I understand that the administration of programs under both the Department of the Interior and the Indian Health Service can be unnecessarily cumbersome for tribes due to different requirements for each. At the Committee's hearing on the topic of Self-Determination and Self-Governance held in September, witnesses from the Administration and Native governments alike lauded the positive effects Self-Determination Era policies are having on Native communities and stressed the importance of amending the Indian Self-Determination and Education Assistance Act to ensure tribes can manage these programs efficiently. S. 3685 will streamline processes and make it simpler for tribes to manage programs to benefit their members. It has been developed after months of tribal consultation and has been a bi-partisan effort. In crafting this bill, we have been careful to ensure that none of its provisions will affect current law relating to contracting or compacting of non-BIA programs under the Indian Self-Determination and Education Assistance Act, or congressionally approved water settlements.

I encourage all of my colleagues to stand with me in support of this important legislative initiative.

Mr. BARRASSO. Mr. President, I rise to join my good friend, Senator AKAKA, in sponsoring the Department of the Interior Tribal Self-Governance Act of 2012.

Congress passed the Indian Self-Determination and Education Assistance Act in 1975 to set forth a new dynamic in the Federal-tribal relationship. Since then, we have seen many benefits for Indian communities as a result of the Federal Indian policy of self-determination in general and the Indian Self-Determination and Education Assistance Act in particular. Indian self-determination is one of the most successful, if not the most successful, Federal Indian policies in the history of our country's relations with Indian Country.

The Indian Self-Determination and Education Assistance Act was amended over 20 years ago to include the Self-Governance program. Self-Governance became a permanent program in the Department of the Interior in 1994, and it has been a resounding success. Now, as of 2012, hundreds of Indian tribes are participating in the Self-Governance program in one way or another.

It comes as no surprise to me, that the Indian tribes can administer these programs on behalf of their own people far better than the Federal government could ever hope to administer them.

Nevertheless, after some 18 years, the time has come for the self-governance program to be reviewed and improved. This bill is intended to provide ''key improvements to the way self-governance works in the Department of the Interior, improvements that have been studied, evaluated, discussed, and negotiated by the tribes and by the Department of the Interior.

During the course of this Congress, some issues did arise relating to the

self-governance program in Interior agencies other than the Bureau of Indian Affairs, in particular the Bureau of Reclamation. Indian tribal leaders and Senate staff have worked for many months to resolve those issues, and their efforts in that regard are incorporated into this bill. I believe the bill goes a long way in dealing with those issues, and the program will be better off as a result of these efforts.

I want to thank Senator AKAKA, the Chairman of the Indian Affairs Committee and with whom I have worked this past Congress as Vice Chairman, for his leadership on this bill which I support and on advancing initiatives that will improve the lives of Indian people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 619—TO ELECT PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 619

Resolved, That Patrick J. Leahy, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 620—TO AUTHORIZE HARRY REID, A SENATOR FROM THE STATE OF NEVADA, TO ADMINISTER THE OATH OF OFFICE OF PRESIDENT OF THE SENATE PRO TEMPORE TO PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT

Mr. MCCONNELL (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

Resolved, That Harry Reid, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate Pro Tempore to Patrick J. Leahy, a Senator from the State of Vermont.

SENATE RESOLUTION 621—CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THAT TRAGEDY

Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

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

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

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

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

Resolved, That the Senate—

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

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

(3) honors the selfless, dedicated service of—

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

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

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

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

AMENDMENTS SUBMITTED AND PROPOSED

SA 3338. Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

SA 3339. Mr. LEAHY (for Mr. INOUYE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

TEXT OF AMENDMENTS

SA 3338. Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the ''Emergency Conservation Program'', $25,090,000, to remain available until expended, of which $15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i)

of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the ''Emergency Forest Restoration Program'', $58,855,000, to remain available until expended, of which $49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the ''Emergency Watershed Protection Program'', $125,055,000, to remain available until expended, of which $77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the ''Emergency Watershed Protection Program'' provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $15,000,000, to remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the ''Act''), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $373,000,000 to remain available until September 30, 2014, as follows—

(1) $6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) $10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) $150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) $56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) $150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $109,000,000, to remain available until September 30, 2015, as follows—

(1) $47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) $9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) $44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) $8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''General Administration, Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy, $20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Drug Enforcement Administration, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'' for necessary expenses related to the consequences of Hurricane Sandy, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Construction and Environmental Compliance and Restoration'' for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for ''Legal Services Corporation, Payment to the Legal Services Corporation'' to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $5,370,000, to remain available until September 30, 2013, for

necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' to expedite studies of flood and storm damage reduction related natural disasters, $50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using $29,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers: *Provided further*, That using up to $20,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using $500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, $3,461,000,000, to remain available until expended: *Provided,* That $2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy: *Provided further,* That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further,* That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further,* That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further,* That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further,* That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further,* That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further,* That the Secretary may transfer up to $499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further,* That up to $51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further,* That $9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further,* That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further,* That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That $430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects

impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

EXPENSES

For an additional amount for ''Expenses'' for increased efforts to oversee emergency response and recovery activities related to natural disasters, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the ''Federal Buildings Fund'', $7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $40,000,000, to remain available until September 30, 2014, of which $20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which $20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy and other disasters, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, $500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $260,000,000, to remain available until expended, of which $250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $855,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Sandy, $274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112–74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $300,000: *Provided*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Disaster Relief Fund'' in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, $5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, $6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, $3,000,000 shall be transferred to the Department of Homeland Security ''Office of Inspector General'' for audits and investigations related to disasters.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to $4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: *Provided further,* That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for necessary expenses related to the consequences of Hurricane Sandy, $3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC NUCLEAR DETECTION OFFICE

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'' for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, $3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''$20,725,000,000'' and inserting ''$30,425,000,000''.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State's Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. For any major disaster declared between August 27, 2011, and December 5, 2012, and any subsequent major disaster declaration resulting from Hurricane Sandy or Tropical Storm Sandy of 2012, the Administrator of the Federal Emergency Management Agency shall establish a Pilot Program for the Relocation of State Facilities, under which the Administrator may fund under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the permanent relocation of significantly disaster damaged State facilities subject to flood risk, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (heat, sewage, mechanical, electrical, and plumbing), that are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility. The Administrator may waive such regulations as the Administrator determines necessary to carry out the Pilot Program established under this section.

SEC. 606. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government participating in the National Flood Insurance Program on land acquired under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on or after the date of enactment of this Act and in a Midwest state that received a Major Disaster Declaration for flooding in 2011 if the Administrator and the Chief of Engineers determines that such levee—

(1) would more effectively mitigate against flooding;

(2) be in compliance with Federal, State, and local requirements; and

(3) be maintained under an adequate State, local, or tribal government plan that documents the procedures to be used to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including detailing the plan for financing the maintenance of the levee, and shall submit an annual certification of compliance to the Administrator and the Chief of Engineers.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncancelled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), as amended by section 4502 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq's Accountability Appropriations Act, 2007 (Public Law 110–28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109–88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109–88 or Public Law 109–234, as amended by section 4502 of Public Law 110–28. Further, the Administrator may use funds provided under Public Law 109–88 for necessary expenses to carry out this provision: *Provided,* That the entire amount is designated by the Congress as an emergency

requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds $10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR–1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: *Provided,* That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further,* That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further,* That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) SHORT TITLE.—This section may be cited as the ''Disaster Recovery Act of 2012''.

(b) HAZARD MITIGATION.—

(1) IN GENERAL.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(d) STREAMLINED PROCEDURES.—For purposes of providing assistance under this section, the President may establish streamlined procedures, including procedures for consideration of multiple structures as a group and for an analysis of the environmental impacts, impacts to historic properties, cost-effectiveness, and fulfillment of cost-share requirements for proposed hazard mitigation measures.

''(e) ADVANCE ASSISTANCE.—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred.''.

(2) ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting ''Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program'' after ''applications submitted under paragraph (1).''.

(3) APPLICABILITY.—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109–347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

''SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

''(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

''(1) any major disaster or emergency declared on or after the date of enactment of this section; and

''(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

''(b) ADOPTION.—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

''(c) GOALS.—Any procedures adopted under subsection (b) shall further the goals of—

''(1) reducing the costs to the Federal Government of providing such assistance;

''(2) increasing flexibility in the administration of such assistance;

''(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

''(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

''(d) VOLUNTARY PARTICIPATION.—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

''(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under subsection (b) shall include—

''(1) for repair, restoration, and replacement of damaged facilities under section 406—

''(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

''(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

''(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

''(ii) management expenses;

''(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

''(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

''(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

''(ii) other activities to improve future Public Assistance operations or planning;

''(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than $5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

''(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

''(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

''(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

''(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

''(C) allowing use of program income from recycled debris without offset to the grant amount;

''(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

''(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

''(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

''(i) debris management planning;

''(ii) acquisition of debris management equipment for current or future use; and

''(iii) other activities to improve future debris removal operations, as determined by the Administrator.

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive such regulations or rules as the Administrator determines are necessary to carry out the alternative procedures under this section as a pilot program.

''(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(d) SIMPLIFIED PROCEDURES.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking ''If the Federal estimate'' and inserting the following:

''(a) IN GENERAL.—If the Federal estimate'';

(2) by inserting ''or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)'' after ''$35,000'' the first place it appears;

(3) by inserting ''or, if applicable, the amount established under subsection (b),'' after ''$35,000 amount''; and

(4) by adding at the end the following:

''(b) THRESHOLD.—

''(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the 'Administrator'), shall—

''(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

''(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

''(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

''(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

''(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.''.

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

''(d) SALARIES AND BENEFITS.—

''(1) IN GENERAL.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

''(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

''SEC. 429. UNIFIED FEDERAL REVIEW.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process.

''(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate.''.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(B) the term ''eligible assistance'' means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than $1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) SUNSET.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) INDIVIDUAL ASSISTANCE FACTORS.—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma),

to measure the severity, magnitude, and impact of a disaster.

(i) CHILD CARE.—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting ''CHILD CARE,'' after ''DENTAL,''; and

(2) by inserting ''child care,'' after ''dental,''.

(j) TEMPORARY HOUSING.—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

''(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

''(I) IN GENERAL.—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

''(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

''(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

''(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

''(III) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.''; and

(3) in clause (iv), as so redesignated, by striking ''clause (ii)'' and inserting ''clause (iii)''.

(k) TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.—

(1) MAJOR DISASTER REQUESTS.—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking ''All requests for a declaration'' and inserting ''(a) IN GENERAL.—All requests for a declaration''; and

(B) by adding at the end the following:

''(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

''(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

''(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

''(B) the President determines that the waiver or adjustment is necessary and appropriate.

''(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).''.

(2) EMERGENCY REQUESTS.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

''(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.''.

(3) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking ''; and'' and inserting '', that is not an Indian tribal government as defined in paragraph (6); and'';

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

''(6) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).''; and

(D) by adding at the end the following:

''(12) CHIEF EXECUTIVE.—The term 'Chief Executive' means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.''.

(4) REFERENCES.—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

''SEC. 103. REFERENCES.

''Except as otherwise specifically provided, any reference in this Act to 'State and local', 'State or local', 'State, and local', 'State, or local', or 'State, local' (including the plural form of such terms) with respect to governments or officials and any reference to a 'local government' in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.''.

(5) REGULATIONS.—

(A) ISSUANCE.—The President shall issue regulations to carry out the amendments made by this subsection.

(B) FACTORS.—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) REPORT.—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) APPLICABILITY.—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $348,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for ''Oil Spill Research'' for necessary expenses related to the consequences of Hurricane Sandy, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Operations'' and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, $150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'' for necessary expenses related to the consequences of Hurricane Sandy, $725,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for ''Leaking Underground Storage Tank Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', $810,000,000, to remain available until expended, of which $700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which $110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to $1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' for necessary expenses related to the consequences of Hurricane Sandy, $4,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Training and Employment Services'', $50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to $3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the ''base grant'' in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, $200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'', $1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Facilities and equipment'', $30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $921,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, $336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, $10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to $5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, $6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'' for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), $17,000,000,000, to remain available until expended, of which at least $2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, $100,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105–276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(l): *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be transferred to ''Program Office Salaries and Expenses, Community Planning and Development'' for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the ''Community Development Fund'' for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to ''Office of Inspector General'': *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the

Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Approppriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling $1,000,000 or more is announced by either Department or a modal administration.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be ''susceptible to significant improper payments'' for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the ''Disaster Relief Appropriations Act, 2013''.

SA 3339. Mr. LEAHY (for Mr. INOUYE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

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

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

SEC. 501. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''does not exceed'' and all that follows through the period at the end and inserting ''does not exceed $6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code.''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) LIMITATION OF LIABILITY.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking ''70 per centum'' and inserting ''90 percent''.

(c) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

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

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $6,500,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).''; and

(2) by striking subsection (k), as added by section 508(b)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 158), and inserting the following:

''(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application.''.

(d) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by striking paragraph (9), as added by section 508(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 158), and inserting the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012'' or the ''STOP Identity Theft Act of 2012''.

SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.

Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by inserting ''(including an organization)'' after ''another person''; and

(B) in subsection (d)(7), in the matter preceding subparagraph (A), by inserting ''or other person'' after ''specific individual''; and

(2) in section 1028A(a)(1), by inserting ''(including an organization)'' after ''another person''.

SEC. 4. IDENTITY THEFT FOR PURPOSES OF TAX FRAUD.

Section 1028(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986;''.

SEC. 5. REPORTING REQUIREMENT.

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department's March 2010 Audit Report 10–21 entitled ''The Department of Justice's Efforts to Combat Identity Theft''.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.

(a) IN GENERAL.—The agreement entitled ''The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review'' signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the ''Agreement'') is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S. C. 1921d(f)(1)(B)(ix)) is amended by striking ''2009'' and inserting ''2024''.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Uninterrupted Scholars Act (USA)''.

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting ''; and''; and

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

''(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.''; and

(2) in paragraph (2)(B), by inserting '', except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required'' after ''educational institution or agency''.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator INOUYE, that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, be granted the privileges of the floor during consideration of the fiscal year 2013 disaster assistance supplemental.

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

STRENGTHENING INVESTIGATIONS OF SEX OFFENDERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 246, S. 1792.

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

The legislative clerk read as follows:

A bill (S. 1792) to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, I am pleased that the Senate is finally being allowed to take up the Investigative Assistance for Violent Crimes Act and the Strengthening Investigations of Sex Offenders and Missing Children Act. These two legislative proposals will enhance federal law enforcement officers' ability to investigate and solve crimes. I want to thank Senator WHITEHOUSE for his leadership and perseverance in working to pass these important clarifications to existing federal law enforcement authorities.

The Investigative Assistance for Violent Crimes Act of 2011 clarifies the authority of the FBI and other Federal law enforcement agencies to assist state and local law enforcement upon request with investigations of mass killings and other instances of public violence. This important legislation will help to ensure that State and local law enforcement agencies receive the assistance they need in times of crisis. I am disappointed that this Senate bill, which was voted out of the Judiciary Committee on November 17, 2011, with overwhelming support, and the companion House bill, which was passed by the House by a vote of 358 to 9, were held up for more than a year. I hope that there is still time this session for the House to take action so that the bill can be sent to the President and he can sign it into law without further delay.

When tragedy strikes, as with the shootings in Tucson, AZ, in 2011, in Aurora, CO, in 2012, and this past Friday in Newtown, CT, there should be no doubt that Federal law enforcement can assist state and local police officers. The Investigative Assistance for Violent Crimes Act will ensure that all hands can be on deck when law enforcement assistance is needed most.

The Strengthening Investigations of Sex Offenders and Missing Children Act will reconcile an inconsistency in the United States Marshals Service's statutory authority to improve the ability of U.S. Marshals to investigate cases involving missing children and certain sex offenders. The United States Marshals Service is a key partner in the investigation and prosecution of missing and exploited children, and we must ensure that there is no question as to the marshals' authority to assist in these cases.

I regret that there are still Republican Senators holding up passage of other legislation to provide Federal assistance to state and local law enforcement that they need. Among the measures being stalled are the Justice for All Reauthorization Act, the National Blue Alert Act, Local Courthouse Safety Act, the Bulletproof Vest Partnership Grant Act, and the Edward Byrne Memorial Justice Award Grant Program Reauthorization.

At least one Republican Senator has gone so far as to contend that it is unconstitutional for the Federal Government to provide assistance and support to State and local law enforcement. I disagree. I believe such support is essential to State and local law enforcement as they work hard to protect communities in difficult times when resources from State and local governments are being squeezed.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise today in support of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011. This legislation, which is cosponsored by Senators SESSIONS, FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL, as well as Chairman LEAHY of the Judiciary Committee, would clarify the authority of the U.S. Marshals to help track down sex offenders and missing children. It is a simple and common sense of piece of legislation. I urge my fellow Senators to support it, with the hope that our colleagues in the House will soon send it to the President's desk to be signed into law.

As my colleagues know, time is of the essence when children go missing. Of those children who are abducted and subsequently murdered, 74% are killed within 3 hours of being abducted. The U.S. Marshals Service has extensive experience with and sophisticated tools for quickly identifying and tracking down fugitives and missing individuals. Notably, the U.S. Marshals Service has substantial resources for finding the fugitive sex offenders who too often are involved in child abductions.

As a result, state and local law enforcement and the National Center for Missing and Exploited Children often call on the marshals to assist in the event that a child goes missing. This bill would make it clear that, upon request, the U.S. Marshals are allowed to assist in investigating these cases, even if an arrest warrant has not yet issued. The bill also clarifies the Marshals Service's authority to assist other law enforcement agencies, upon request, in investigating sex offender cases.

I thank Senator Sessions for working with me on this important legislation, and my fellow Judiciary Committee members Senators FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL for supporting the bill. I also would like to thank Chairman LEAHY for cosponsoring the bill and for his leadership, both generally with respect to all his work to keep our children safe from predators and specifically for moving this piece of legislation through Committee.

I am confident that every member of the Senate will understand the clear and simple principle behind this legislation and the important threat to our children that it addresses. The bill was reported by a voice vote of the Judiciary Committee, I am aware of no concerns or opposition, and I would urge my colleagues to ensure its prompt passage by the Senate.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, with no intervening action or debate, and that any statements related to this matter be placed in the RECORD.

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

The bill (S. 1792) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1792

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Investigations of Sex Offenders and Missing Children Act of 2011''.

SEC. 2. CLARIFICATION OF AUTHORITY.

Section 566(e)(1)(B) of title 28, United States Code, is amended to read as follows:

''(B) as directed by the Attorney General, investigate—

''(i) fugitive matters, both within and outside the United States; and

''(ii) at the request of another Federal, State, or local law enforcement agency, cases involving—

''(I) a sex offender (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) who violates a sex offender registration requirement; or

''(II) a missing child.''.

INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT

Mr. REID. Madam President, I ask unanimous consent that we proceed to Calendar No. 233, S. 1793.

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

The legislative clerk read as follows:

A bill (S. 1793) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Madam President, I rise in support of S. 1793, the Investigative Assistance for Violent Crimes Act of 2012, which I introduced.

This commonsense bill clarifies that—upon the request of appropriate State and local law enforcement officials—select Federal law enforcement agencies may use their unique capabilities to help investigate and respond to mass killings and other violent crimes.

The measure will provide important clarity to Federal law enforcement officers who are called on by State and local counterparts to assist in response to a mass shooting or other violent crime at a college campus, shopping mall, office building, or other public place. Currently, the FBI and select other Federal agencies often provide requested assistance to State and local law enforcement in these types of cases. The absence of an explicit authorizing statute, however, has created concern that agents responding to these violent crimes could be held liable even though their only goal was to protect the public.

This bill makes sure that the FBI, other law enforcement components at the Justice Department, Immigration and Customs Enforcement, and the Secret Service can provide State and local law enforcement officers with assistance when so requested. In so doing, it will help State and law enforcement protect victims and solve these terrible crimes.

The bill does not expand the jurisdiction of Federal law enforcement agencies. Assistance from a Federal agency must be requested by the State or local authority and agreed to by Federal authorities. And the bill does not impose new criminal penalties or regulations.

The House passed a companion measure, H.R. 207, last year by a vote of 358 to 9. The Senate bill was reported out of the Judiciary Committee last November, and I thank Chairman LEAHY for his leadership in moving this legislation through Committee. Since then, I have worked with Chairman LEAHY, Senator GRASSLEY, Chairman SMITH of the House Judiciary Committee, and Representative GOWDY to improve the bill, and we have reached an agreement that is reflected in a substitute amendment.

I urge colleagues on both sides of the aisle to support this measure, so we can ensure that our dedicated law enforcement officials can respond to and solve these tragic crimes.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the Whitehouse substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to this matter be printed in the RECORD.

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

The amendment (No. 3341) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1793) was ordered to be engrossed for a third reading, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDING SECTION 1059(e) OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H.R. 6223.

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

The legislative clerk read as follows:

A bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, in the 111th Congress, I worked closely with Senator LUGAR on two pieces of legislation to improve our immigration laws in small but meaningful ways. My bill, the Refugee Opportunity Act, would provide refugees and asylees more opportunity to become self-sustaining, productive members of their new American communities. Senator LUGAR's bill, which I was proud to support, would have permitted lawful permanent residents to return, without penalty to their citizenship process, to

their country of nationality to assist in post-conflict or disaster reconstruction efforts. Both of these bills, the Refugee Opportunity Act and the Return of Talent Act, were approved by the Senate Judiciary Committee in March of 2010. Unfortunately, undefined Republican objections stalled the progress for both of these bipartisan bills.

The Refugee Opportunity Act would provide relief from the continuous presence requirement in the immigration law for certain refugees and asylees. Specifically, the legislation would waive the requirement for refugees or asylees who worked overseas, if such presence outside the United States was in the service of the United States Government, within the refugee or asylee's home country, and within the protection of the United States Government. For refugees and asylees, in order to adjust from that status to lawful permanent resident status, 1 year of continuous presence in the United States is required after arrival. The purpose of the Refugee Opportunity Act was to permit refugees and asylees in the United States, who often arrive after years of persecution or displacement, to take employment opportunities overseas in service of their new government without penalty to their immigration process. The policy goal was to provide encouragement for refugees and asylees to take a step forward on the path to independence and self-sufficiency while assisting the international efforts of their adopted country.

The legislation that Senator TOOMEY has introduced, and for which he has sought consent in the Senate, would provide this same relief from the continuous presence requirement in the immigration law for recipients of the Special Immigrant Visa. These visas are available to Iraqi and Afghan interpreters or translators who had served the United States armed forces overseas. The bill we pass today would remove barriers for Special Immigrant Visa holders who, after receipt of such a visa, wish to work again for the United States abroad. Like the Refugee Opportunity Act, this bill would waive the applicable presence requirement that the immigrant must satisfy before adjusting his or her status while he or she was outside the United States. In fact, the goals of H.R. 6223 are identical to the bill I introduced over 2 years ago with Senator LUGAR—to encourage new arrivals to America to work on behalf of the United States in furthering the goals of our government abroad and to remove barriers to such employment and participation.

Although I am glad that the goals of the Refugee Opportunity Act and the ideal that we do right to encourage new Americans to serve their adopted government are being promoted in the legislation Senator TOOMEY has sought to pass, I regret that the same cooperation and courtesy we give him today was withheld by some of Senator TOOMEY's fellow Republican Senators when Senator LUGAR and I asked for consent on our legislation to achieve these same goals.

Mr. REID. I now ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 6223) was ordered to a third reading, was read the third time, and passed.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. REID. I ask unanimous consent that the Senate proceed to S. 3687.

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

The legislative clerk read as follows:

A bill (S. 3687) to amend the Federal Water Pollution Control Act to authorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

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

SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.

Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (d), by inserting ''to pay not more than 75 percent of the costs'' after ''make grants''; and

(2) in subsection (f)(1), in the first sentence, by striking ''2011'' and inserting ''2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017''.

SEC. 2. ENVIRONMENTAL PROTECTION AGENCY HEADQUARTERS.

(a) REDESIGNATION.—The Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., known as the Ariel Rios Building, shall be known and redesignated as the ''William Jefferson Clinton Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Environmental Protection Agency Headquarters referred to in subsection (a) shall be deemed to be a reference to the ''William Jefferson Clinton Federal Building''.

SEC. 3. GEORGE H.W. BUSH AND GEORGE W. BUSH UNITED STATES COURTHOUSE AND GEORGE MAHON FEDERAL BUILDING.

(a) REDESIGNATION.—The Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, known as the George Mahon Federal Building, shall be known and redesignated as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States Courthouse referred to in subsection (a) shall be deemed to be a reference to the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

SEC. 4. THOMAS P. O'NEILL, JR. FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the ''Thomas P. O'Neill, Jr. Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Thomas P. O'Neill, Jr. Federal Building''.

SEC. 5. COMPLIANCE WITH LACEY ACT.

The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and section 42 of title 18, United States Code, shall not apply with respect to any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

SEC. 6. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the ''McKinney Lake National Fish Hatchery'', which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as

the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2011

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 236, H.R. 2076.

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

The legislative clerk read as follows:

A bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I further ask that the committee-reported amendment be considered; the substitute amendment, as amended, be agreed to; the Whitehouse amendment, which is at the desk, be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2011''.

SEC. 2. INVESTIGATION OF MASS KILLING OR ATTEMPTED MASS KILLING AND OTHER VIOLENT CRIMES.

Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''2,000,000'' and inserting ''$3,000,000'';

(2) in section 530C(b)(4), by adding at the end the following: ''The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.'';

(3) in section 540A—

*(A) in the section heading, by striking ''**Investigation of violent crimes against travelers**'' and inserting ''**Investigation of certain violent crimes**'';*

(B) in subsection (a), by inserting '', in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of mass killings and attempted mass killings'' after ''traveler''; and

(C) in subsection (c), by adding the following new paragraph at the end:

''(4) 'mass killings' means 3 or more killings in a single incident.''; and

(4) in the table of sections at the beginning of chapter 33, by striking the item relating to section 540A and inserting the following:

''540A. Investigation of certain violent crimes.''.

The amendment (No. 3342) was agreed to, as follows:

(Purpose: In the nature of a substitute)

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

The committee amendment in the nature of a substitute, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2076), as amended, was read the third time, and passed.

ELECTING PATRICK J. LEAHY TO BE PRESIDENT PRO TEMPORE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 619.

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

The legislative clerk read as follows:

A resolution (S. Res. 619) to elect PATRICK J. LEAHY, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 619) was agreed to, as follows:

S. RES. 619

Resolved, That PATRICK J. LEAHY, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

AUTHORIZING HARRY REID TO ADMINISTER THE OATH OF OFFICE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 620.

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

The legislative clerk read as follows:

A resolution (S. Res. 620) to authorize HARRY REID, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 620) was agreed to, as follows:

S. RES. 620

Resolved, That HARRY REID, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 621.

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

The legislative clerk read as follows:

A resolution (S. Res. 621) condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

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

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

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

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

Resolved, That the Senate—

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

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

(3) honors the selfless, dedicated service of—

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

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

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

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

Mr. REID. Madam President, understandably, Senator AKAKA wants to make a statement regarding our friend, Senator INOUYE. But Senator MCCAIN has been waiting here for hours. I ask unanimous consent that Senator MCCAIN be recognized for a statement; that when we completes that statement, Senator AKAKA be recognized.

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

REMEMBERING DANIEL K. INOUYE

Mr. MCCAIN. I thank the majority leader. Today, the Senate lost, America, and especially his beloved citizens of Hawaii lost a unique, brave, wonderful legislator, a man who brought to this institution the most unique credentials I would argue probably of anyone who has ever served in this pretty diverse body.

DAN INOUYE was born of Japanese parents who came to Hawaii, as many Japanese did in that period of time at the turn of the century, to work in the pineapple fields and agriculture, which was a fundamental of the economy for the State of Hawaii. Their conditions were not good. They worked hard. But they raised their families with pride, with dignity and honor, and were proud to call themselves Americans.

DAN INOUYE was as proud as any. As we know, one of the most shameful chapters of American history took place during World War II when an incredible act of injustice took place. The United States of America decided to intern Japanese Americans who lived in California. They were put into internment camps because they happened to be Japanese Americans, not because they had done anything wrong, not that they did not love America, but because they happened to be Japanese Americans. By the way, some of those internment camps were in my home State of Arizona. Conditions were not terrible, but they were not good. People were incarcerated because they happened to be ethnic Japanese.

In Hawaii, there was a group of young Japanese Americans who decided that they wanted to serve their country and they wanted to serve in uniform. One of the most well-known and famous and most highly decorated units of the entire World War II was the battalion in which DAN INOUYE served. They were in many of the most gruesome and difficult blood lettings of the entire conflict as the American forces fought their way up through Italy against a very well trained, very well equipped, professional German opposition. DAN INOUYE was a proud member of this battalion. In fierce combat, DAN INOUYE was gravely wounded on the battlefield. He was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Interestingly and coincidentally, he went to a veterans hospital in Chicago where a person in the same ward, was a American Army second lieutenant who had also been wounded seriously in Italy, one Bob Dole—2LT Bob Dole of Kansas. And there began a friendship that lasted to this day, both gravely wounded, both dedicated more than ever to serve their country. Both served with distinction. The friendship, the bonds of friendship that were forged in that hospital between Bob Dole and DAN INOUYE were unique and enduring.

So DAN INOUYE returned to his beloved Hawaii. The story goes—and I do not know if it is true or not—the story goes that a DAN INOUYE went down to join the veterans organization, and when he applied for membership, he was told that the only members they took in that organization were Caucasian.

DAN INOUYE decided that he wanted to continue to serve his country and the State of Hawaii. He was the first Senator from the State of Hawaii and has served longer than any Senator in this institution. He was loved by all of us. I did not always agree with Dan. Occasionally, we had differences about how we use appropriations bills. No one—no one ever, ever accused DAN INOUYE of partnership or unfairness.

He loved Native Americans, and he loved his Hawaiians. One of the more rewarding periods of my time here in the Senate was being on the Indian Affairs Committee under his chairmanship. Very important pieces of legislation came out of that committee. It was a great honor for me to have the privilege to serve with DAN INOUYE. He loved Native Americans. He knew that Native Americans had been wronged in our history. He knew that solemn treaties must be honored by our government even if those treaties sometimes meant that there would be significant expenditures of America's tax dollars.

Have no doubt that our treatment of Native Americans and the treatment of Native Hawaiians is not the most glorious chapter in American history when we look back at what happened to the proud Native Americans, the Native Hawaiians as their civilization collided with the civilization that came to the United States of America from around the world.

DAN INOUYE fought for the things he believed in and the principles that he held dear. He held nothing more dear than the glory of being able to serve people who needed to be served.

DAN INOUYE will be missed. There will not be another like him. There will not be another Senator literally deprived of his rights. There will not be another Senator who will serve in length and with the dedication that DAN INOUYE served this Senate and his beloved Hawaii. So we will all miss DAN INOUYE. I hope from time to time, with the bitter partisanship that exists here sometimes in the Senate, maybe we could use DAN INOUYE's record as an example of bipartisan, of friendship, of a willingness to reach across the aisle and work with the other side; it characterized DAN INOUYE's record here in the Senate.

For some reason, when I heard and thought about Dan's passing today, I was reminded of another person who died and is buried on the island of Samoa, and his poem is inscribed on his gravestone as an epitaph. I think it applies to our dear and beloved friend who passed today. It was by Robert Lewis Stevenson. I quote:

Under the wide and starry sky,
Dig the grave and let me lie.
Glad did I live and gladly die,
And I laid me down with a will.

This be the verse you 'grave for me:
Here he lies where he longed to be;
Home is the sailor, home from the sea,
And the hunter home from the hill.

I see my dear and beloved friend, the other Senator from Hawaii, DAN AKAKA, on the floor.

I thank you, DANNY, and God bless.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, it is very difficult for me to rise today—

with a heavy heart—to bid aloha to my good friend, colleague, and brother DAN INOUYE. It is hard for me to believe that the terrible news I just received is true. Senator INOUYE was a true patriot and an American hero in every sense, and he is at this time in Hawaii the greatest leader.

He served his country as a soldier, receiving the highest honor our Nation can bestow. When we think of how he began to serve his Nation, it is difficult to believe the difficulty we had in Hawaii as Japanese Americans. To be a part of our Nation's military—we were denied. We were considered aliens of this country. But he was one of those who wanted to serve their country, and they went to the highest level to receive that dignity, and eventually they were given the honor to serve our country. As we now know, it became the greatest unit in military history, with the most decorations of any unit and also with the highest levels of decoration, of the Medal of Honor.

He served as a leader, the third longest serving Member of the U.S. Senate in our Nation's history. He served as a defender of the people of this country, championing historic charges for civil rights, including the equal rights of women, Asian Americans, African Americans, and Native Hawaiians. It is an incredible understatement to call him an institution. This Chamber will never be the same without him.

I remember, in our childhood in Hawaii, that Hawaii was a diversified place. Where I lived in Pauoa Valley, there were many Japanese families who lived around us. There were many nights that I spent sleeping in the homes of our Japanese families, ate their food, slept on the tatami on the floor, and I really was brought up with the Japanese families. So when the war broke out, I couldn't understand what was happening because there were families who were removed from the community, and, of course, at that time the Japanese American boys weren't allowed to be in the military, but they pursued it because they wanted to serve this country as well. This is why, in my time in Congress, I did focus on trying to help the Japanese Americans in this country and the Asians in this country as well and to help them achieve what they really earned.

I remember seeking the Medal of Honor for the unit and for those who fought in World War II, and I provided the Pentagon with 100 names from these units. I was really surprised that there were finally 21 of them who were selected for the Medal of Honor, and Senator INOUYE was one of them. But that showed that they were willing to give their lives for this country, and they did. Since then, he has continued to serve his country.

We all used the G.I. bill to be educated in Hawaii. We went to the University of Hawaii, graduated from there, and went on to further degrees. They came back, in a sense, those who could help the communities, and became leaders.

In the case of DANNY INOUYE, he was one of the ones who turned the tide in Hawaii politically since 1954, and by 1959 we became a State. Senator INOUYE ran for office and was our first Member of the House. After one term, he moved to the Senate because Senator Long decided to retire. As a result, Senator Matsunaga was elected to the House and served the House and also the Senate as well, and he also was a member of the 100th infantry during World War II. But the Japanese Americans really served our country, and DANNY INOUYE is one of those great leaders in the history of this country.

Through my career in Congress, I have been proud to be on Dan's team. We have worked on everything from appropriations to Native Hawaiian rights, to veterans and to defense. All of us in Hawaii looked up to him, and we are so sad to see him go.

DANNY INOUYE leaves behind him a list of accomplishments unlikely to ever be paralleled. His lifelong dedication and hard work in the name of his beloved country, the United States of America, influenced every part of his life and set him apart, even in the Senate. He was a fierce advocate as a senior member of several committees, and the way he conducted himself commanded respect from all with whom he worked.

His legacy is not only the loving family he leaves behind, it can be seen in every mile of every road in Hawaii, in every nature preserve and every facility that makes Hawaii a safer place. He fulfilled his dream of creating a better Hawaii. He gave us access to resources and facilities that the mainland States, I would say, took for granted.

Tomorrow will be the first day since Hawaii became a State in 1959 that DANNY INOUYE will not be representing us in Congress. Every child born in Hawaii will learn of DANNY INOUYE, a man who changed the islands forever.

I join all of the people of Hawaii tonight in praying for his wife Irene, his son Ken, and his daughter-in-law Jessica; his stepdaughter Jennifer, and his grand-daughter Maggie, who really tickle his life. Whenever I had a chance to chat with him, we talked about Maggie. They brought him so much joy in his life and will carry his legacy forward.

I am going to miss DAN, and so will all of us here in the Senate, and this great country will also. He represented a true American, and for us in Hawaii, he represented a true Hawaiian in Hawaii. He served Hawaii and this country well.

DAN and I have worked so well together all these years. When I was in the House and on the Appropriations Committee there, we worked very well between the House and the Senate. Many of the renovations that have come about in Hawaii were because of Danny, and he really helped to shape Hawaii and this great country. He brought here on Earth a kind of life that people of our country and this world can follow to be great citizens of the world.

DAN, my dear friend and colleague, you will be missed in Washington as much as you will be missed in Hawaii. Rest in peace. God bless you and your spirit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

UNINTERRUPTED SCHOLARS ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3472 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I further ask unanimous consent that the Landrieu substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3345) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Uninterrupted Scholars Act (USA)''.

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting ''; and''; and

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

''(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such

disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.''; and

(2) in paragraph (2)(B), by inserting '', except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required'' after ''educational institution or agency''.

The bill (S. 3472), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, DECEMBER 18, 2012

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Tuesday, December 18, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

RECESS UNTIL 10 A.M. TOMORROW

Mrs. HAGAN. If there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:13 p.m., recessed until Tuesday, December 18, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RICHARD J. ENGLER, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE WILLIAM E. WRIGHT, TERM EXPIRED.

NATIONAL MEDIATION BOARD

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, RESIGNED.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LAURA A. BRODHAG

To be major

ARSHAD M. BACHELANI
NICHELLE A. COOK
JUSTIN P. FOX
STEPHANY T. GODFREY
JOHN D. KLEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WILLIAM R. BAEZ
RENEE D. CARLSON
MARGARET A. CURRY
LORI L. EVERETT
CHRISTOPHER A. GARZA
KATHLEEN A. GATES
DOUGLAS M. LITTLEFIELD
RICHARD A. MCCLURE
STEVEN A. REESE
ERIC R. SCHMIDT
DARRELL S. SMITH
BRENT A. SONDAY
COREY M. STANLEY
BRYAN K. TALLENT
RICHARD A. VANDERWEELE
MICHAEL D. WEBB
BRYCE G. WHISLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAKE R. ATWOOD
FRANCIS E. BECKER
STEVEN M. BENNETT, JR.
SARAH S. BONG
REBECCA K. BRINCKS
FRANCISCO T. CARLOS
KUN JANG CHANG
CHI W. CHUNG
ELIZABETH L. DANG
MATTHEW A. DIETRICH
ADAM J. EGGE
NICHOLAS R. EINBENDER
ARLENE SUGANDHI ESCHE
MARK D. FINCHER
MELISSA H. FISHER
BRADLEY D. HARRELSON
AARON J. HAYES
MARK D. HOIKKA
COLLIN D. HOLMAN
DOUGLAS C. HOLMES
MIN K. KIM
BRANDON D. KOFFORD
ANDREW Q. MADSON
KEVIN T. MASKELL
JARROD R. MCALEVY
NOAH M. MILLER
PAULENCIA L. MORRIS
PAULA MORSE
RYAN D. MURPHY
MITZI J. PALAZZOLO
JEREMIAH J. PARKER
RACHAEL L. PARRISH
PETER M. PEDALINO
CAMERON L. PERIGO
BRANDON M. PIEPER
DEANDRA M. PRICE NEWBY
KELLY A. RAMEY
THOMAS B. REYNOLDS
JEFFREY B. ROBINSON
ANITA M. SHADE
BENJAMIN A. SHIRLEY
LISA J. SHOFF
NIKOLAY SKY
MATTHEW S. STRATMEYER
JOHN D. TEEPE
MEGHAN J. VANDERHEIDEN
ROBERT R. WATSON
MATTHEW T. WILSON
BRENT J. WINWARD
ROSS A. YOST
MICHAEL R. ZACHAR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KRISTEN J. BEALS
TERESA O. BISNETT
DAVID E. BLOCKER
CHRISTOPHER J. BORCHARDT
KIMBERLY R. BRADLEY
DAVID S. BUSH
ALESIA C. CARRIZALES
JAMES A. CHAMBERS
ARTEMIO C. CHAPA
DIXON L. CHRISTIAN
JOSEPH CONNOLLY III
JOHN J. COTTON
RITA L. DUBOYCE
TIM D. DUFFY
CHRISTINE R. ERDIELALENA
JOYCE PASTORE FIEDLER
VAL W. FINNELL
HOWARD R. GIVENS
PAUL D. GLEASON II
KERYL J. GREEN
CHRISTOPHER M. GRUSSENDORF
MELINDA B. HENNE
MARK A. HINTON
DUNCAN G. HUGHES
KATHRYN G. HUGHES
CONSTANCE L. JACKSON
MONICA L. JOHNSON
SAMUEL O. JONES IV
WARREN R. KADRMAS
GREGORY A. KENNEBECK
ROBERT S. KENT
CHETAN U. KHAROD
STEVEN M. KINDSVATER
TODD T. KOBAYASHI
DONALD C. KOWALEWSKI
JEFFREY D. KUETER
JANICE M. LANGER
JEFFREY D. MCNEIL
DANIEL I. MIRSKI
TERENCE B. MITCHELL
ANDREW E. MOORE
PATRICK M. MUEHLBERGER
MARK A. NASSIR
JUSTIN B. NAST
STEPHEN L. NELSON, JR.
THOMAS C. NEWTON
WILFREDO J. NIEVES
CHRISTOPHER P. PAULSON
JOSEPH A. POCREVA
MICHAEL RAJNIK
DAVID M. ROGERS
DOUGLAS M. ROUSE
JAMES M. SCOTT III
YVONNE M. SCULLEY
FERNANDO SILVA
BRANDON T. SNOOK
RICHARD J. STRILKA
ROBERT T. SULLIVAN
GREGORY B. SWEITZER
MICHAEL A. TALL
NATHAN L. TAYLOR
ROBERT E. THAXTON
NICOLE M. THOMAS
ANTHONY P. TVARYANAS
ANTHONY W. WALDROUP
DANIEL J. WATTENDORF
LEE D. WILLIAMES
PAMELA M. WILLIAMS
MICHAEL J. WOOD
BRUCE A. WOODFORD
ROBERT R. YORK
SHAWN P. ZARR
JIANZHONG J. ZHANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TANSEL ACAR
DEBORAH L. ASHCRAFTOLMSCHEID
AREZOO BARANI
ELHAM BARANI
STEVEN W. BLACK
JACK K. CHUNG
PEGGY L. DICKSON
WILLIAM J. DICKSON
AMY E. DYER
JEFFREY A. FORD
STEPHEN R. GASPAROVICH
JEREMY D. HAMAL
BRENT E. HAVEY
FRED P. KREY
SCOTT J. LAFONT
DAVID R. LUKE III
BRENT D. MARTIN
ROGER L. MILLER
BRIAN G. MIN
MICHELLE M. MOFFA
LEON A. NIEH
SHANNON K. O KEEFE
PATRICK B. PARSONS
MARK D. ROBERTS
JEREMY F. SCARPATE
KHURRAM M. SHAHZAD
OSCAR R. SUAREZ SANCHEZ
JAMES R. THOMPSON
SCOTT E. THOMSON
BRANDON H. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SAMUEL E. AIKELE
PETER S. AIREL
ROBIN S. AKINS
NIMA A. ALINEJAD
ANDREW T. ALLEN
GREGORY W. ANDERSON
MARK A. ANDERSON
MICHELLE K. ANTON
TIMOTHY P. BALLARD
ROBERT L. BALTZER, JR.
JASON BARNETT
LAURA M. BAUGH
MICHAEL J. BENCA
RONALD M. BERNARDIN III
JONATHAN M. BISHOP
BRYSON D. BORG
TRACY K. BOZUNG
REBEKAH G. BRISCOE
ANTOINETTE T. BURNS
CASSANDRA J. BURNS
KENT D. BURR
SAMANTHA L. BUTLER
LYDIA CARPENTER

YOVANNI CASABLANCA
VALERIE J. CASTLE
CHRISTY Y. CHAI
EDWARD CHAMPOUX
MARC A. CHILDRESS
ANDREW Y. CHOI
JARED A. CHUGG
FRANCIS J. CLORAN
JAMES D. COLLINS
JOHNATHAN M. COMPTON
JESSICA J. COWDEN
JUSTIN L. CUMMINGS
MATTHEW J. DARLING
STEVEN D. DEMARTINI
JUSTIN F. DEVITO
ROBERT L. EMERY
GREGORY A. ERICKSON
KEVIN A. FAJARDO
JACQUELINE S. FERNANDES
CECELIA M. FICEK
IRENE FOLARON
JULIE A. FREILINO
TRAVIS W. GERLACH
ANNE GRAY
KIRBY G. HARVEY, JR.
RYAN P. HAWKS
ERIC A. HIGH
WILLIAM M. HILTON
BRIAN K. HOGAN
FAWN S. HOGAN
ROBERT L. HOLMES
DAVID J. HOOPES
JONATHAN C. JACKSON
NORRIS J. JACKSON
KEITH J. JOE
ROY L. JOHNSON III
NURANI M. KESTER
MATTHEW R. KEYSOR
DAVID D. KIM
SCOTT ALEXANDER KING
MICHAEL J. KRIER
BRADLEY J. LACHEY
TRISTAN T. LAI
DANIEL R. LAMOTHE
DEWAYNE C. LAZENBY
HUI LING LI
JOSEPH D. LOVE
SEAN MACDERMOTT
MICHAEL C. MAINE
MATTHEW M. MALAN
SALAH F. MASRY
JOSHUA MATTISON
JONATHAN J. MAYER
JOSEPH H. MCDERMOTT
GREGORY M. MEIS
NICHOLAS C. MEXAS
MICHAEL MICHEL
RYAN G. K. MIHATA
MARVIN J. MIKESKA
MICHELLE R. MILNER
AASIF H. MIRZA
CUONG M. NGUYEN
ERIK V. NOTT
LANCE M. NUSSBAUM
ERIK D. OBERG
JASON F. OKULICZ
TREMIKAE R. OWENS
THOMAS B. PAYNTER
ANDREW N. PIKE
PAUL PUCHTA
BRADLEY S. PUTTY
ROLANDO Y. RAMOS
JOHN S. RENSHAW
DEVIN A. RICKETT
IAN C. RIDDOCK
JANELLE L. ROBERTSON
JON M. ROBITSCHEK
BLAKE C. RODGERS
JONATHAN M. ROGERS
NAPOLEON P. ROUX III
MICHAEL J. RUSSELL
THOMAS L. SALSBURY
TAMAR E. SAUTTER
TREVOR J. SCHAR
CARRIE A. SCHMID
MELISSA SCHOENWETTER
DANIEL R. SCHULTEIS
TROY M. SCHWARTZ
ANDREW D. SEDIVY
JAMES D. SENECHAL
AALOK D. SHAH
TAVIS M. SHAW
ERIC SHERMAN
JOSHUA M. SILL
BRENT W. SMITH
CHRISTIAN J. SMITH
LUKE EDWARD STALL
JONATHAN L. STREETER
IVETTE E. SUBER
DREW N. SWASEY
ARLO M. TAN
AARON S. THAKER
JUSTIN J. TINGEY
TERRILL L. TOPS
BIANCA TRUONG
CHRISTOPHER M. TSUEDA
DOUGLAS C. VANDERKOOI
LOUIS M. VARNER
GUY C. VENUTI
FRANKLIN D. WADDELL
MARK B. WALL
CLAUDINE T. WARD
PAMELA P. WARDDEMO
CHRISTOPHER M. WEBBER
SUK C. WHANG
BRIAN K. WHITE
BRYAN M. WHITE
OLIVER J. WISCO
LAUREN J. WOLF
MARISSA V. YLAGAN
MARY ZACHARIAH KURIAN
DARRELL M. ZAUGG
SCOTT M. ZELASKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

HOMAYOUN R. AHMADIAN
MICHAEL R. ALCORN
JOHN B. ALLIS
DANIEL M. ANDERSON
ELIZABETH A. BALLARD
BENJAMIN D. BARLOW
MATTHEW G. BARNES
ALICE E. BARSOUMIAN
PATRICK M. BASILE
ALISON T. BAUM
BEAU J. BAUM
RUSSELL A. BAUR
BRAD A. BAWCOM
CARMEN C. BAXTER
JESSICA L. BEACHKOFSKY
THOMAS M. BEACHKOFSKY
SHANE O. BIEDERMANN
EDMUND L. BLACKLER
ANDREA J. BLAKE
HEATHER D. BLAYLOCK
ANDREW P. BOHN
SARAH N. BOWE
CASEY D. BOWEN
MATTHEW S. BROCK
HYRUM R. BRONSON
ANDREW W. BURSAW
KELVIN N. BUSH
KUANG S. A. CHANG
KATHRYN M. CHARNOCK
NICOLE ANN CHIOTA MCCOLLUM
WALTER S. CHOATE
SAMANTHA D. CHUPLIS
CHRISTOPHER P. CLARK
ARTHUR W. CLARKSON
ROBERT M. CLONTZ II
HUGH M. COKE III
ERICA M. COLDIRON
MICHAEL J. CONNALLY
JARON B. COOMBS
JAMES W. COX
JASON N. CROSSON
ADRIENNE KLINE CUMMINGS
KATHARINE E. DAVIDSON
JANA M. DAVIS
JONATHAN C. DAVIS
PETRENIA A. DAVIS
MEGHANN L. DEROSIER
WYLIE C. DEVERA
RYAN H. DEVINE
RINO C. H. DIZON
ROSS W. DODGE
DAVID B. DOUGLAS
JORDAN P. DOWNING
PAUL M. DRAYNA
SILENA C. E. DUKES
JARROD E. DUMPE
DAVID A. DY
SARAH E. ECCLES BROWN
CHRISTOPHER M. EDENS
JESSICA BARRY EICHINGER
BLAKE E. ELKINS
KATIE A. ELLGASS
LEAH TATUM ENRIGHT
COREY P. FALCON
TARRA I. A. FAULK
SHAUN M. FELCHER
KELLY P. FERRARO
PHILIP M. FLATAU
KATHLEEN V. FLICK
RODERICK W. FONTENETTE
JARED R. FULLER
JASON C. GARNER
JUSTIN T. GATHERCOAL
CHRISTOPHER J. GORDON
LENA E. GOWRING
STACIE M. GRIFFIN
CHENOAH E. GUDEL
RYAN A. HACKETT
TIMOTHY M. HAFFEY
GAYLE D. HAISCHER ROLLO
ANDREW B. HALL
MATTHEW S. HALL
STEPHEN L. HALLA
BRIAN S. HAMPSON
KHADIDJA HARRELL
GEORGE T. HARRIS II
KYLE J. HAZELWOOD
ADAM J. HEISINGER
JONATHAN L. HENDERSON
JUSTIN N. HENRY
FERNANDO A. HERNANDEZ
ADAM N. HERTLEIN
WILLIAM D. HINOJOSA
ALLAN L. HO
JEFFREY J. HOLLINGSWORTH
JAMES D. HONEYCUTT
SHAWN I. HOSSAIN
JAMES E. HULL
KORI L. HUNT
ELLEN E. IM
AMANDA P. ISBELL
DORKA M. JIMENEZ
HYON J. JOO
WASSEM Y. JUAKIEM
KRISTEN L. KAMMERER
HATTIE DAWN KARAMBAY
JUHEE KIM
STANLEY J. KIMBALL
RICHARD C. KIPP
LALEISHA M. KNAPPLE
BENJAMIN L. KOHNEN
ROBERT L. KONOLD
JAMIE LYNN KRASSOW
KEVIN J. KRAULAND
RONALD M. KREINBRINK
MARIE P. KRIG
LINDSEY E. KUSCHNERAIT
BRIAN E. LANDRETH
WINTON P. D. LASLIE
RICHARD M. LAW
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THOMAS J. LEE, JR.
EMILY E. LINK
JAYDEE R. LUMBAD
SHANNON M. MACLEAN
KEITH P. MADSEN
CHRISTOPHER RAY MAHONEY
MEGHAN E. MALENTACCHI
ERIN E. MARCHAND
SUSAN M. MARCHIANO
NICKOLAY P. M. MARKOV
ADAM T. MARLER
MELISSA A. MAY
STEVEN W. MAYFIELD
STEVEN D. MCCAIG
HAMPTON L. MCCLENDON
CAROLYN ELIZABETH MCDONALD
KIMBERLY L. MCKINNEY
NICHOLAS D. MCKINNON
JEFFREY MEADE
PABLO O. MEDINA, JR.
KRISTA M. MEHLHAFF
CHRISTOPHER A. MEINHART
STEVEN P. MENARD
JOEL T. METZE
AMANDA L. MILLER
DANIELLE M. MILLER
NATHAN B. MILLER
MATTHEW DALE MILLETT
MATTHEW R. MINOR
YAMIL MIRANDA USUA
PAUL E. MORRISON
TANISHA K. MORTON
DANIEL M. MOSELEY
EMILY M. NAKAGAWA
CASEY A. NAUMOFF
LUCAS PAUL NEFF
CHRISTOPHER D. NELSON
MICHAEL SHANE NEWBERRY
MARY C. H. NUTTER
CHARISSA A. OLSON
RYAN P. ONEILL
JOSEPH LEE OTT
ERIC C. PARKINSON
JASON O. PARKINSON
RYAN D. PEARSON
THOMAS J. PERCIVAL
C. J. PICKARDGABRIEL
CHRISTOPHER J. PITOTTI
DANNY R. PIZZINO, JR.
DAVID POLZIN
ADAM W. POWELL
MARION R. POWELL
ALAN C. PUDDY
CHRISTINE V. RAGAY
SURAJ S. RAM
MARIO L. RAMIREZ
MICHELLE A. RAMOS
BRYAN C. RAMSEY
JAIME M. RAWSON
LAURAE D. RETTIG
KEVIN W. RICH
KYLE A. RICKARD
ANGELA M. RIEGEL
DUANE R. ROBINSON
LIANA RODRIGUEZ
JOSEPH W. ROHRER
JEFFREY D. SARATA
KATHLEEN M. SARBER
AMANDA C. SCHAEFER
RYAN J. SCHUTTER
KEVIN M. SEMELRATH
BRENNA M. SHACKELFORD
JESSICA A. SHANK ORTOLANO
PATRICK L. SHORT
JEREMY D. SIMMONS
TIFFANY R. SIMPSON
ANDREW J. SKABELUND
LISA MARIE SKABELUND
MICHAEL J. SLOGIC
CORINNE L. SLUSHER
JOSHUA M. SMALLEY
CHRISTOPHER L. SMELLEY
ANDRIA L. SMITH
DAVID M. SMITH
LASHIKA D. SNEED
JULIE A. SPEAKMAN
SCOTT A. STAFFORD
EUGEN STANCUT
CHRISTOPHER M. STAUCH
BENJAMIN E. STONE
MATTHEW J. STREITZ
SARA EMSLIE SULTZ
JASON R. SUSONG
SANDRA K. SWEDEAN
JASON C. SWIGERT
CHRISTOPHER SZABO
HIDEAKI L. TANAKA
AARON W. TERRY
ANDREW S. THAGARD
BAXTER D. THARIN
DAVID B. THOMAS

SARAH M. THOMAS
STEVEN W. THORPE
ANDREW M. TIMBOE
FERNANDO R. TOVAR
JAMES J. TSCHUDY III
ERIC C. UMBREIT
KENDALL J. VERMILION
CAROLE MAJAL Y. VILLAMARIA
LAURA L. VOEGELE
ERNEST B. WEBB
DREW S. WEBER
MATTHEW M. WERGER
AUBREY GARRISON WHEELER
JOSEPH D. WHEELER
CAROLINE P. WILLIAMS
NICOLE M. WILSON HALL
SARAH E. WILSON
WESTON T. WINKLER
MELISSA A. WOLLAN FRANCIS
STUART T. WOOD
BRONWYN L. YOUNG
MAYRA Y. ZAPATA
MICHAEL P. ZEOLA
JOE X. ZHANG

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ALFRED C. ANDERSON

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEANNA R. BEECH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHRRELL L. BYARD
SOO B. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DONALD E. LAYNE
PAMELA J. LEEJOHNSON
MARK P. MCANDREW
SCOTT J. MCATEE
NEREIDA ROMERO

To be major

PETER C. CHAMBERS
JOSEPH F. SUCHER

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, December 17, 2012:

THE JUDICIARY

FERNANDO M. OLGUIN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. DURKIN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.