United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, DECEMBER 20, 2012 No. 165

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 20, 2012.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

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

PRAYER

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

Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of the people's House to be the best and most faithful servants of the people they serve.

On this day, Congress honors the life of Senator Daniel Inouye, who lies in state in the rotunda. He was the first to serve his State in this assembly. He served his country for decades as a true patriot, soldier, legislator, statesman, and gentleman—always thousands of miles from his own home.

Endow the Members of this assembly with a measure of the courage, integrity, and loyalty of such an exemplar of public service.

And may all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2012 at 10:02 a.m.:

That the Senate passed without amendment H.R. 3477.

That the Senate passed without amendment H.R. 3870.

That the Senate passed without amendment H.R. 3912.

That the Senate passed without amendment H.R. 5738.

That the Senate passed without amendment H.R. 5837.

That the Senate passed without amendment H.R. 5954.

That the Senate passed without amendment H.R. 4057.

That the Senate passed without amendment H.R. 6029.

That the Senate passed S. 3630.

That the Senate passed S. 3662.

That the Senate passed S. 2318.

That the Senate passed S. 3202.

That the Senate passed S. 3698.

Appointments:

United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ESTATE TAX

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Growing up on a Kansas dairy farm, I know the estate tax is a threat to family farms. This tax makes bailing hay and shoveling manure sound like a get-rich-quick scheme, when most family farms make an average of $45,000 a year. Raising the estate tax to 55 percent and dropping the exemption to $1 million might be feasible for a hedge fund manager, but it will jeopardize the future of farmers and their families, forcing many to sell their farms they worked to build for generations.

Many farmers are ''land rich'' but ''cash poor.'' The average land value for 65,000 Kansas farms is $900,000. Throw in a $300,000 combine, a $250,000 tractor, and Kansas farmers are suddenly millionaires according to estate tax math. But this isn't wealth they can use to pay taxes. It's in assets.

Farmers provide us with a safe and dependable food supply. We cannot allow the estate tax to put them out of business.

Printed on recycled paper.

NO JUSTIFICATION TO CUT SOCIAL SECURITY BENEFITS

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

Mr. KUCINICH. Will seniors be pushed off the fiscal cliff?

Social Security did not cause the deficit, but the White House's plan to lower Social Security cost-of-living benefits could eventually reduce seniors' annual benefits by hundreds of dollars. The gimmick is called the chained Consumer Price Index. The chained CPI works this way:

As the cost of living goes up, seniors inevitably turn to cheaper alternatives. For example, if seniors eat steak, but then can't afford its higher price, they can switch to something cheaper—like cat food. The cost of living calculation would chain to the cheaper item—cat food. So the less you pay for food, the less benefits you get.

The chained CPI benefit cut will chain aging seniors to a poverty of choices, a lower standard of living with cheaper products. The chained CPI formula doesn't take into account seniors' rising health care costs. If it did, benefits would go up.

There is no justification to cut Social Security benefits. ''No'' to throwing seniors off the fiscal cliff. ''No'' to a cat food Christmas.

DEMANDING THE TRUTH

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

Mr. JOHNSON of Ohio. Mr. Speaker, just over 100 days ago, four Americans were murdered in cold blood during coordinated terrorist attacks on the U.S. consulate in Benghazi, Libya. These attacks were premeditated acts of war on America and the American way of life, committed by terrorists with ties to al Qaeda.

This week, the Obama administration released a report as to exactly what happened surrounding these terrorist attacks. This report confirmed what we already knew: there was no protest outside the consulate on September 11. It also cites systemic failures in Embassy security, putting in danger the lives of every person at the compound in Benghazi.

This report is an important step towards stopping another attack on America and American initiates overseas. But one thing remains clear: serious mistakes were made by senior officials here in Washington. Those mistakes cost American lives. There must be accountability.

REMEMBERING SENATOR DANIEL INOUYE

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

Ms. JACKSON LEE of Texas. Senator Inouye lies in state this morning. But as a young lieutenant platoon leader on a battlefield in Italy, even after being shot in the stomach by German machine-gun fire, he refused medical treatment and still managed to find the courage to destroy two machine-gun posts. Nearly losing consciousness from blood loss, he heroically charged a third machine-gun nest before having his right arm severed by a German grenade. Somehow, even after those grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the third bunker.

What an American. What a man who loved this country and stood for the values of diversity. He loved the independence of the Congress, and he fought for it in the strength of our democracy and the values of America. His words were this:

> I represented the people of Hawaii and this Nation honestly and to the best of my ability. I think I did okay.

To the Senator and your family, you did more than okay. To the Asian American community in Houston, Texas, and all of Texas, I want you to note this hero spoke volumes for what America is all about, that no matter where we've come from, we can stand equally under the sun.

He thought of that and his beloved Hawaii as his final words, not only in representing Hawaii—''aloha''—but to America.

Senator, we love you, and good-bye. What a great champion, a great warrior for peace, and one who represented all of us so well.

□ 1210

SUCCESS WITH THE NATIONAL DEFENSE AUTHORIZATION ACT

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

Mr. WILSON of South Carolina. Mr. Speaker, today, the House will vote on the National Defense Authorization Act for 2013. Congratulations to House Armed Services Committee Chairman BUCK MCKEON and committee staff director Bob Simmons for their leadership with this legislation promoting peace through strength.

Our brave men and women in uniform, their families, and our veterans have earned the support and care they deserve by dedicating their lives to keep American families safe. The passage of today's bill will provide for a 1.7 percent troop pay increase, controlled copay rate increases for TRICARE beneficiaries, and institute new procedures and regulations to combat and prosecute sexual assault within the military.

It is my hope that this legislation will pass the House overwhelmingly this evening, receive full support in the Senate, and promptly arrive on the President's desk for his signature. Our national security depends on it.

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

GREAT LAKES RESTORATION INITIATIVE

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

Mr. HIGGINS. Mr. Speaker, the Great Lakes are our Nation's greatest natural resource. They are the source of 95 percent of our surface freshwater and are directly connected to 1.5 million jobs.

Though efforts to protect and restore the Great Lakes have made great strides over the past several decades, many challenges remain. Invasive species, pollution, and habitat loss in the Great Lakes have a negative effect on recreation and tourism, as well as on the general economy.

I was pleased to sign a bipartisan letter along with other Members of the House to request at least $300 million for the Great Lakes Restoration Initiative in the President's fiscal year 2014 budget.

Mr. Speaker, the Great Lakes Restoration Initiative has been invaluable in efforts to protect and restore the Great Lakes. I strongly encourage the President and my colleagues in Congress to ensure that it is fully funded going forward.

FISCAL CLIFF

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

Mr. PALAZZO. Mr. Speaker, today, this body will take up legislation that will cut spending, replace the dangerous defense sequester, and protect millions from the biggest tax hike our country has ever seen. This is a good first step. The costs are simply too high to go over the fiscal cliff.

Earlier this week, the CPA Caucus met with former Comptroller David Walker to discuss what we truly need for meaningful, long-term reform. Walker proposed six basic principles that I want to share with this body today:

1. Pro-Growth. Truly pro-growth policies will empower our small businesses rather than strangle them with taxes and regulations at every turn.

2. Socially equitable. We're in this together, and we cannot expect one income bracket to bear the burden of solving all of our problems.

3. Culturally acceptable. We need the support and backing of the American people to enact good solutions.

4. Mathematically possible. We cannot continue to ignore the bottom line. I'm a CPA. To me, it's obvious that we have to balance our books.

5. Politically feasible. Our solutions won't always be perfect, but they have to be proposals both sides can agree on.

6. Bipartisan support. We can agree to disagree on certain matters, but we must still work together.

These six principles can be our bridge forward.

HONORING NEW MEXICO SPEAKER OF THE HOUSE BEN LUJÁN

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

Mr. HEINRICH. Mr. Speaker, I rise today to honor one of New Mexico's great leaders, New Mexico Speaker of the House Ben Luján, who passed away Tuesday night after his battle with lung cancer. Speaker Luján is the father of our colleague, and my friend, Congressman BEN RAY LUJÁN.

First elected to the State legislature in 1974, Ben Luján served as speaker of the house from 2001 until 2012. Throughout his tenure in the House, Speaker Luján showed that he was a champion for working families, a tireless advocate for his constituents, and an absolute master of legislative strategy.

At the beginning of this year, when Speaker Luján spoke to the legislature of his battle with cancer, he encouraged everyone to make their time on Earth worthwhile and to ''make a difference for the children, our working families, and for the elderly.'' Speaker Luján has inspired me and so many New Mexicans to do just that. Our good thoughts and prayers are with his wife Carmen, with BEN RAY, and with the rest of the Luján family.

BALANCING THE BUDGET

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

Mr. DESJARLAIS. Mr. Speaker, it seems there are those who still fail to realize that we cannot continue down this road of fiscal insanity. It isn't politics; it's math. Our spending is simply unsustainable, yet we have not seen a serious proposal from the White House to address our trillion-dollar deficits.

The President thinks the answer is more taxes. But while the tax increases President Obama is calling for would hurt small businesses, they would have little effect in reducing our deficits. That is because our debt is being driven by spending, plain and simple. Therefore, to solve our problem, we must implement serious spending cuts and reforms.

The good news is this isn't hard to do; we just have to look at the amount of revenue coming in and not spend more than that. Rather than spending more than we can afford, we must prioritize our spending. Hundreds of millions of Americans do this every day. If my constituents in Tennessee can balance their budgets, so can Washington.

HONORING REPRESENTATIVE ELTON GALLEGLY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, down here in the well sometimes when you hear what we all say to each other you might think that we are not a very friendly bunch towards each other, but I want to let people know today that we actually have a lot of friendships here on this floor. I'm going to take the time this week before we break for Christmas to say goodbye to some of my friends who are leaving from Congress—especially from the Democratic side, but I have a particularly good friend on the other side, Congressman ELTON GALLEGLY.

He has had a congressional career here for 25 years. He's been a leader and a fierce defender of animal rights. With the successful passage of legislation that he recently sponsored, the creation and the sale of videos depicting the torture of animals is forever illegal. Animal lovers across the country are thankful for his leadership on that.

Though ELTON and I a lot of times disagree on a lot of things politically, we've become very close friends over the years. I have sought his guidance on many issues here, on foreign affairs, on transportation, and even on some outside things, outside of this, maybe even in my own personal life.

So I want to thank him for being a good friend. I wish him a lot of luck in his next chapter of his life, and I just want to tell him that I will miss him.

HONORING JAY PIERSON

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

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor the distinguished career of someone who is a friend to me and my colleagues, and that's Jay Pierson.

For 34 years, Jay has been a mainstay of the House and the floor. He began his congressional career back in 1978 with then-Republican leader John Rhodes. Throughout his tenure, he has worked for Speakers Newt Gingrich, Dennis Hastert, and now JOHN BOEHNER.

Since I came to the House in 2003, I have known Jay to be a true student of this institution. He has helped me personally—and countless other Members—learn how this body works, and he has been quick to assist a Member with any question about the floor, or even a good book recommendation.

Mr. Speaker, what most people may not know about Jay is that, in addition to a bachelor's degree from Westmont College and a master's degree from California State University, he earned his Ph.D. from the University of Maryland.

In his upcoming retirement, I want to thank Jay for his service to this great institution. I wish he and his wife, JoAnne, all the best in their future endeavors. My friend, Jay Pierson.

PLAN B

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

Ms. LEE of California. Mr. Speaker, I rise in strong opposition to the Republican so-called ''Plan B'' bill. Not only would it not address the so-called fiscal cliff—it's really a human cliff—but it's a pure political gimmick to distract from the Republicans' failure to negotiate in good faith.

Mr. Speaker, we cannot grow our economy or reduce our deficits by making even more cuts on the backs of children, veterans, our seniors, our disabled, and the millions of Americans in poverty. Low-income and middle-income Americans have already been slammed by $1.5 trillion in cuts to the safety net, mind you, that they rely on every day.

A fiscally responsible and balanced approach would be to immediately pass the $1.5 trillion in new revenue to match the cuts that we've already made, while protecting middle class tax cuts.

Mr. Speaker, 98 percent of the American people have already paid their fair share; it's time for the wealthiest 2 percent to do the same. Let's not forget the over 2 million who will lose their unemployment benefits December 29. Mr. Speaker, please don't let them fall off this human cliff during this holiday season. We should extend this today.

□ 1220

THE FISCAL CLIFF

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

Mr. BROUN of Georgia. Mr. Speaker, we've reached the fiscal cliff not because we tax too little, but because we spend too much. We are focusing on whom to raise taxes and by how much. This debate really should be about outrageous spending.

Many people believe that what's happening in Greece cannot happen in the United States. But think about it, Greece kept borrowing and spending until eventually they couldn't pay their public workers, take care of the elderly and the poor, or deliver any of the services they promised to its people. The United States is headed down the very same path.

We'll be right back here having this same debate very soon if we don't cut spending. Instead of discussing taxing the top 2 percent, the next time it will be the top 50 percent, and so on, until we are all being taxed—everyone—but spending so much that we still cannot meet our obligations.

This debate should be about spending, not taxes, so that we can give the American people what they want—a strong economy and a guarantee that programs like Social Security and Medicare will remain intact.

PLAN B HURTS EVERYBODY

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

Mrs. CHRISTENSEN. Mr. Speaker, as if the Speaker's Plan B were not bad enough—not extending unemployment benefits or fixing the SGR so seniors would continue to have their doctors, killing jobs, again threatening the full faith and credit of our country, and leaving the sequester cuts in place—last night the Republicans dug up the horrible reconciliation bill that they pushed through this House in May. They should have left it over in the Senate where it went to die a timely death.

The reconciliation bill they will put up with it for a revote today is like Plan B, just worse. It will cut food stamps, eliminate the social services block grants, and weaken the consumer protections that we put in place. They can't help themselves. They'll make one more attempt to roll back much of the Affordable Care Act, including repealing the public health fund and funding for the exchanges, cutting the children's health insurance program, and taking away all of the Medicaid funding that was provided for the territories.

Either way, these bills would hurt many people—poor, middle class Americans, children and seniors, all to save tax cuts for the wealthy. On November 6, Americans voted for us to work together to strengthen our country, not weaken it. These highly partisan bills will hurt our country, and no one should vote for either of them.

AVOIDING THE FISCAL CLIFF

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I wonder if anybody is listening. The message from the American people is loud and clear: extend the middle class tax cuts now. Republican leadership is holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans. Democratic Members of Congress have commonsense solutions, and we can't wait around any longer as real proposals languish while the House GOP gets its act together.

I, along with 181 of my colleagues, have signed the discharge petition to automatically bring to the House floor the Senate-passed middle class tax cuts which the President has said he will sign immediately. This could be an opportunity for us to work together, resolve some of our differences, and offer the American people the kind of Congress they want: working together.

TAXES

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

Mrs. CAPPS. Mr. Speaker, I rise to express my disappointment that House leadership is again playing political games instead of getting our work done. With time running short, they've decided to prohibit a vote on extending the middle class tax cuts for families making up to $250,000 per year. Instead, we will only be voting on the so-called Republican Plan B.

Plan B is yet another giveaway to the wealthiest 1 percent of Americans and at the expense of middle class families. It forces middle class families to pay $1,000 more a year in taxes in order to give millionaires a $50,000 break. That's not what the American people voted for in November. They sent a clear message that they wanted us to put aside our differences and work together to pass a balanced plan that protects middle class families and ensures that everyone pays their fair share.

We agree. We all agree that families making up to $250,000 should not see their taxes go up on January 1. We could pass that bill today and give millions of families across this country peace of mind, but we're not even getting to vote on that bill. Instead, we're taking a symbolic vote that solves nothing. My constituents—all of our constituents—deserve better.

HONORING THE LIFE OF LEONILA VEGA

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I come to the floor to honor Leonila Vega, a ferocious advocate for seniors and people with disabilities. In her role as the executive director of the Direct Care Alliance, I worked closely with her to improve the conditions of work for those who provide in-home care and, with it, the quality of care that they provide for others.

Although she lost her battle with cancer on November 19, the battle she waged for quality care and dignity for workers continues.

I cannot adequately describe all of her accomplishments in one short minute, so I'm submitting a longer statement for the RECORD. But I do hope that in honoring her today and talking about her passion, I hope that her passion for social justice is an inspiration to all of us.

RECOGNIZING THE ACHIEVEMENTS OF SENATOR BARBARA A. MIKULSKI

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

Mr. CUMMINGS. Today, I am incredibly pleased to congratulate my dear colleague, Senator BARBARA A. MIKULSKI, for her ascension to the chair of the Senate Appropriations Committee. Senator MIKULSKI's commitment to our great State is undeniable. She has worked tirelessly throughout her prestigious career to serve her fellow Marylanders, first as a social worker, and now as one of the most influential Members of the United States Senate.

Senator MIKULSKI is a leader that Maryland and, truly, our Nation, can be proud of. She was the first woman elected to the Senate who was not preceded by her husband or father and has continued breaking barriers ever since. This trend continued yesterday when she became the very first female Senator in the history of our Nation to become the chair of the powerful Appropriations Committee.

I'm honored and proud to serve alongside her here in the United States Congress, and I look forward to continuing to work together with her for the betterment of our Nation.

NEWTOWN, CONNECTICUT, AND GUN SAFETY REFORMS

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

Mr. MORAN. Mr. Speaker, I rise today, first of all, to express my deepest condolences to the families and friends of those killed in last week's tragic elementary school shooting in Newtown, Connecticut.

But this incomprehensible act of violence should compel us to address the larger context. It is a fact that over 10,000 Americans are murdered by gun violence each year. No other civilized nation on the planet experiences anything like this annual gun slaughter, but we have 5 percent of the population and own 50 percent of the world's guns.

Now, the needed reforms are not radical. Many, including closing the gun show loophole and requiring gun owners to report to police lost or stolen guns, are even supported by the vast majority of NRA members. It would be far too simplistic and self-serving, though, to lay the blame for this inaction on the most commonsense measures entirely at the feet of the NRA, which we're inclined to do because the truth is that we, as the representatives of the people, are the ones who are ultimately responsible for doing nothing to protect our constituents.

The fact is that if we don't take action now, we're all complicit in the next massacre of innocents.

□ 1230

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 840 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 840

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

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

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days in which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. As is customary for this conference report, this is a closed rule which provides for the consideration of the conference report to accompany H.R. 4310, the Defense Authorization Act for Fiscal Year 2013, and provides 1 hour of general debate, with 30 minutes equally divided and controlled by the chair and the ranking minority member of the House Armed Services Committee.

I'm actually pleased to stand before the House today in support of the rule as well as the underlying legislation, which was H.R. 4310, and the conference report that accompanies the Defense Authorization Act for Fiscal Year 2013.

I also have to, at the beginning, thank the chairman of the House Armed Services Committee, Mr. MCKEON, for his hard work and his steady leadership on this bill, as well as the ranking member, Mr. SMITH of Washington, for continuing the time-honored tradition of close cooperation and bipartisanship when it comes to defense and producing this conference report. I also thank the professional staff, which has worked closely together on literally hundreds of very difficult and often very technical issues and has done so cooperatively in an extremely responsible manner.

I'm very proud that the Armed Services Committee produced a bill in a very bipartisan manner. I'm proud of the floor of the House who voted and passed, in a bipartisan way, this bill back in May. The Senate has finally decided to pass the bill in December. That the Senate has passed a bill is commendable. It is unusual, but it is also commendable. The fact that they have done this here gives us an opportunity of passing one of the few bills that must be done in every session of Congress. The Senate's procrastination on this effort is one of the things that is worrisome. I only hope that in the years to come, the Senate majority leadership will return to acting expeditiously, deliberately, and in a more timely manner in something that is this important.

It is actually a testament to the competency and professionalism of the House Armed Services Committee staff, the House leadership staff, and the Rules Committee staff that this enormous and complex conference agreement could be rescued at the end of what is becoming an otherwise contentious lame-duck session.

Mr. Speaker, in our Rules Committee meeting the other day, we had the opportunity of having Mr. HASTINGS and others refer to the Constitution. It is very significant that in the beginning of the Constitution, the Preamble, that we talked about creating a more perfect Union. A more perfect Union is not a grammatical flaw that was introduced by the Founding Fathers. It had a specific historical context. It also talked about preserving or promoting domestic tranquility, which had, also, a specific historical context which had nothing to do with America being sedate or tranquil. It had something to do with the specific concept of private property. It also talked about promoting general welfare, even though they had a uniquely different idea of the word ''general'' than we have today.

But in providing in the intermediary with all these provisions is also the word that we are supposed to provide for the common defense. It was not unusual that that word was in there, put in by Gouverneur Morris and the rest of them.

When the Founding Fathers met to write our Constitution, they were looking at the historical milieu of the day and the concepts that were going on at that time. They responded in a way to try to make sure that they solved the problems of the day in a way that would never come up again. The concept of providing for the common defense became one of the core constitutional responsibilities that was extremely significant.

We had won the Revolutionary War, but we had also—several of the States—violated the treaty with Britain. The inability of some States to protect Tory property had given the British the reason to continue to have armed British soldiers on American soil or British forts on American soil. We could not, under the Articles of Confederation, control our borders. The British were arming subgroups coming in here to do more than just destroy our domestic tranquility, but also to take down and harm the lives of Americans. It seems some things never change.

But the Articles of Confederation and Congress could not respond to this. They had an Army of only 700 people. There was no Navy to control the shipping or protect our shipping rights. The Articles of Confederation and Congress realized what we should also realize that if we do not have an adequate and strong defense, not only can we not militarily defend this country, but we don't have the ability of diplomatically trying to reach solutions to problems without resorting to military efforts. They realized that this was one of the flaws of America when they wrote the Constitution.

So it is not unusual for them to specifically put in here that one of the responsibilities that this House has is to provide for the common defense. It is not unusual that in article I, section 8, there are 17 clauses. Seven of those 17 clauses, as well as the introduction, talk about the necessity of military defense and military preparedness for this country. They recognized how significant that was, not just for defending militarily, but also for the future and the diplomatic abilities of the future United States.

This bill deals with one of the few core constitutional responsibilities that we had. Fortunately, over the past 51 years, Congress has been able to come together in an amazingly bipartisan way to come up with a Defense authorization bill that provides our Defense agencies the ability to function, to train, to equip our forces, and to provide for our military personnel and their families.

We are betting if we do not do this, that the large-scale threats to our national security will be so far in the future we can just sort of tread water. I hope sometimes that they are right, but that treading would not be what the Founding Fathers would look at as providing for the common defense.

In a real world, there would be what I would consider to be a more significant and effective bill, but we're not dealing with the real world. We are dealing, though, with real-world issues. Part of the issue is that we are looking at a world that is extremely dangerous for us—we do not know what the future enemy will be—and we are also dealing with a world in which we are continually trying to diminish our military presence.

Our Navy is smaller than it has been since 1917. Our Army will be smaller than it was at the beginning of World War II. Our Air Force is the smallest it has ever been in the history of this country, with the oldest planes that we've ever had. Those issues are issues that are significant, they are important, and they must be addressed. And those are going to be ongoing, long-term issues.

This particular bill does not do as much to address that particular problem and give us the security of the future as I wish it could do. That's only because we are not dealing in a perfect world where we can establish the setting that we wish to do. We have to deal with the setting in which we find ourselves.

□ 1240

Having said that, there are a lot of things in this particular conference report and in the House-passed bill which are very, very positive, and they do move us forward. As we continue the discussion of this rule as well as the debate of the conference report on the floor, we will talk about some of those things that are positive and that do move us forward.

With that, Mr. Speaker, I look forward to the continuing discussion about talking about what is, indeed, in this particular bill.

I reserve the balance of my time.

Mr. MCGOVERN. I want to thank the gentleman from Utah for the time, and I yield myself such time as I may consume.

I rise in opposition to the underlying bill, the National Defense Authorization bill.

I recognize and appreciate all of the hard work that went into crafting this conference report—on both sides of the aisle. I commend Chairman MCKEON and Ranking Member SMITH and all their staffs for all of the work that they have done. I especially appreciate that the final version of the bill includes a modified version of the Merkley amendment on Afghanistan that was approved by the United States Senate, but unfortunately, the final product contains policies that I simply cannot support.

The bill increases funding—beyond the Pentagon's request—for several programs, including a new missile defense base on the east coast. The bill also denies the Pentagon the opportunity to save money with its failure to include a cut to the contractor comp cap, its failure to include a round of base closures, and its failure to implement end-strength troop reductions even though we are supposedly ending our involvement in two wars.

At a time when Congress is being asked to look for savings, even considering cutting vital programs like Social Security, it is unconscionable to me that we would continue to mandate wasteful funding that the military has said it does not need and does not want. How can we look into the eyes of a senior citizen who is living off of Social Security and tell him that his cost-of-living adjustment will be smaller so that we can buy weapons that the military doesn't even want?

Also very troubling to me is that this bill continues to prevent the President from fulfilling his commitment to close the Guantanamo Bay prison camp by imposing unnecessary and ill-advised transfer restrictions. Mr. Speaker, I am proud to serve as the cochair of the Tom Lantos Human Rights Commission. We constantly and appropriately criticize other countries for their lack of transparency and adherence to the rule of law. The continued existence of Guantanamo undermines our standing around the world. The President has said repeatedly that he wants to close Guantanamo. There is broad bipartisan support among national security experts for him to do so. Congress just needs to get out of the way.

Mr. Speaker, while I support a great deal of this bill, especially programs and services for our veterans and military retirees, I cannot support a bill this large when we are in the middle of negotiations on the so-called ''fiscal cliff.'' The Pentagon is more willing than this Congress to look at the defense budget and make thoughtful but significant reductions. This bill continues to show that, when it comes to defense spending, Congress is part of the problem, not part of the solution.

I would like to insert into the RECORD an article that appeared in today's Washington Post by Walter Pincus, entitled, ''Military funds to spare?,'' in which he quotes Secretary of Defense Panetta in a speech. He said that the committees here in the Congress ''had diverted about $74 billion of what we asked for in savings in our proposed budget to the Congress, and they diverted them to other areas that, frankly, we don't need.'' That is from the Secretary of Defense.

I would also like to insert into the RECORD a letter to the President that was sent to Members of Congress as well, urging that he veto the National Defense Authorization Act because it extends restrictions on transferring detainees out of the Guantanamo prison.

Mr. Speaker, let me just conclude my opening here by saying that I want a defense second to none. I believe that we need to do whatever we need to do to protect the citizens of this country, but just throwing more money at the Pentagon doesn't mean that you're getting a stronger defense. Expanding the bloat and the waste in the Pentagon does nothing to enhance our national security. We need a new definition of ''national security,'' one that includes things like jobs for our citizens, one that includes access to a good quality education, one that includes a strong infrastructure, one that includes good health care for everybody in this country, an end to homelessness, and an end to hunger in the United States of America.

I say this because, after we debate this rule, we're going to take up another rule dealing with the so-called ''Plan B'' and ''Plan C,'' and maybe there's a Plan D and a Plan E, who knows. What is particularly troublesome to me is that, in the tax version of what the Republicans are going to bring to the floor later, it includes things like ending programs that benefit middle-income families and poor families.

Under their proposal, 25 million working families with tens of millions of children will pay an average of $1,000 more in taxes. That's not fair. That undermines the economic security of that family.

Under their proposal, 11 million families would lose a tax credit that helps pay for college. How is that in our security? We're told time and time again by all of the experts that, in order for us to continue to be an economic global power, we need a well-educated workforce. So what are they proposing? That 11 million families lose their tax credits to help pay for college.

Fifty million seniors and other Medicare enrollees' health care would be jeopardized as doctors face a 27 percent cut in Medicare payments under this proposal. That's just the tax version of what they're proposing. We haven't even gotten to what they're proposing in terms of spending cuts.

So here we are, talking about a Defense Authorization Act that is more money than our Pentagon wants, that is more money than our Joint Chiefs of Staff want, that is more money than the Secretary of Defense wants. As we're doing this, we're telling the American people that we have to lower your cost-of-living adjustment on Social Security, that we have to lower your quality of health care, that we have to cut some money from housing programs, that we have to cut SNAP and food stamps so that you won't have enough to eat.

This is crazy. This is crazy. So, yes, we're all for a military and a defense second to none, but I will tell you that some of our biggest threats are not halfway around the world—they're halfway down the block. We have to start paying attention to what's happening in this country, so I urge my colleagues to vote ''no'' on this bill.

I reserve the balance of my time.

[From the Washington Post, Dec. 19, 2012]

MILITARY FUNDS TO SPARE?

(By Walter Pincus)

Congress and Defense Secretary Leon E. Panetta showed this week that there are hundreds of millions, if not billions, of loose dollars in the Pentagon's budget that can be shifted around without apparent harm to national security.

In a speech Wednesday at the National Press Club, Panetta voiced his frustration at changes the House and Senate armed services committees had made in the fiscal 2013 defense authorization bill. At one point he said that the committees ''had diverted about $74 billion of what we asked for in savings in our proposed budget to the Congress, and they diverted them to other areas that, frankly, we don't need.''

He spoke about ''pressure on the department to retain excess force structure and infrastructure instead of investing in the training and equipment that makes our force agile and flexible and ready.'' Without specifying programs, Panetta mentioned having to keep ''aircraft, ships, tanks, bases, even those that have outlived their usefulness, [but] have a natural political constituency.''

As if on cue, just two hours after Panetta's speech, the chairmen of the Senate and House armed services committees—Sen. Carl Levin (D-Mich.) and Rep. Howard P. ''Buck''

McKeon (R-Calif.)—released summaries of the House-Senate conference report on the fiscal 2013 defense bill that contained funding changes illustrating some of what Panetta had been complaining about.

For example, the conferees approved more than $500 million to continue the Global Hawk Block 30, high-altitude, long-endurance unmanned aircraft that have integrated imagery, radar and intelligence sensors. The Pentagon had decided to risk terminating this version of Global Hawk (there are others in use and being built) and noted that it would save $800 million in fiscal 2013 and $2.5 billion over the next five years.

Two other congressional add-ons illustrate members' desire to keep plant production lines open—and jobs filled. They were $136 million to upgrade the M1 Abrams tank and $140 million to modify the M2 Bradley armored vehicle. And $45 million was added to funds to purchase F–18s to hold open ''the option of buying more'' in fiscal 2014. In the nuclear area, Congress added $70 million toward construction of a $3.7 billion building for research on plutonium at the Los Alamos National Laboratory in New Mexico that the administration wanted to delay for two more years.

Two other congressional favorites got boosts beyond what the Pentagon approved. One was an added $152 million for missile defense; the other, for $143 million, went to Special Operations Command for an imagery intelligence program its commander wanted but higher-level officials vetoed. The conferees' message: What Special Ops wants, it gets.

One compromise reached over the past month involved the administration's controversial plan to reorganize military air transport assets that affected Air National Guard bases around the country, a step that mobilized opposition not just from Congress but from governors of the states involved. The solution was to halt the retirement of 26 C–5A aircraft, ''holding the strategic airlift total at 301 aircraft, until the Defense Department completes a comprehensive study of air mobility requirements,'' according to the House committee. In addition, the Air Force will maintain an additional 32 C–130 or C–27J tactical airlift aircraft, some of which were going to be retired.

As he has in the past, Panetta said that health-care costs for the military were growing fast and had hit $50 billion this year. The need was for some cost controls, but the conferees blocked any increase in fees for the Defense Department's heath-care program, known as TRICARE, or any effort to establish new ones.

Meanwhile, the conferees took steps to cap the rate under which the Army and Marine Corps reduce force numbers over the next five years. And somehow they found excess funds to provide provisions to ease the blow to the roughly 100,000 service personnel that are let go. Those individuals will be permitted to reside in military housing with their families for six months after their date of separation and use commissary and exchange stores for two years after separation.

There was one $188 million reduction that neither Panetta nor the conferees touched—the one for military bands.

The Army maintains 99 bands, many of them National Guard-based, and intends to spend $221.1 million on them during fiscal 2013. That's up $3.3 million from fiscal 2012. The Navy has 14 bands that will cost an estimated $55.6 million next year, while the Marine Corps has 12 bands that will cost $53.6 million in 2013. The Air Fe has 12 active-duty and 11 Air National Guard bands. Together they cost an estimated $58 million.

RE: VETO THE NATIONAL DEFENSE AUTHORIZATION ACT BECAUSE IT EXTENDS RESTRICTIONS ON TRANSFERRING DETAINEES OUT OF THE GUANTANAMO PRISON

DEAR PRESIDENT OBAMA: The undersigned human rights, religious, and civil liberties groups strongly urge you to veto the National Defense Authorization Act for Fiscal Year 2013 (NDAA) because it would impede your ability to close Guantanamo. Specifically, the NDAA conference bill restricts the Executive Branch's authority to transfer detainees for repatriation or resettlement in foreign countries or for prosecution in federal criminal court for the full fiscal year.

Your commitment to close the Guantanamo prison was a hallmark of your 2008 campaign and a signal to everyone, both across America and around the globe, of a renewed commitment to the rule of law. Your executive order, on your second full day as president, directing the government to close the prison should have heralded the end of the prison, but instead triggered a long series of failures and obstacles to its closure. There are still 166 detainees left at Guantanamo, and the promise of closing the prison remains unfulfilled.

We appreciate that you publicly renewed your commitment to closing Guantanamo in public comments this fall, and we strongly believe that you can accomplish this objective during your second term. You can still make the successful closing of the Guantanamo prison an important part of your historic legacy.

However, if the NDAA is signed with any transfer restrictions in it, the prospects for Guantanamo being closed during your presidency will be severely diminished, if not gone altogether. The current statutory restrictions on transfer expire on March 27, 2013. Those restrictions—which have been in place for nearly two years with zero detainees being certified for transfer overseas and zero detainees transferred to the United States for prosecution—are functionally similar to the restrictions in the NDAA bill pending in Congress. If extended for the entire fiscal year, then nearly a year of your second term could be lost, and the political capital required to start closing it later in your next term will be even greater.

Now is the time to end the statutory restrictions on closing Guantanamo, by vetoing the NDAA because it extends them. When signing earlier versions of these restrictions into law, you stated, ''my Administration will work with the Congress to seek repeal of these restrictions, will seek to mitigate their effects, and will oppose any attempt to extend or expand them in the future.'' The restrictions have proven unworkable, and should not be extended for yet another year.

There is broad support among national security and foreign policy leaders for closing Guantanamo. Your own national security and foreign policy leadership team shares your commitment to closing Guantanamo. The list of leaders who support closing the Guantanamo prison is long, and crosses party lines, including: former President George W. Bush, former Secretary of State Condoleezza Rice, former Secretary of State Colin Powell, former Secretary of Defense Robert Gates, former National Security Advisor James Jones, General Charles C. Krulak (ret.) former Commandant of the Marine Corps, General Joseph P. Hoar (ret.), former CETCOM commander, and Brigadier General Michael Lehnert (ret.), who set up the Guantanamo prison, and 25 retired admirals and generals. Closing Guantanamo is good human rights policy and good national security policy.

We realize that there is a long tradition of the NDAA being enacted annually. However, an annual NDAA is not required for the Department of Defense to carry out its functions. The NDAA does not fund the Department of Defense, and all of its provisions can be either implemented by agency action or enacted as part of other legislation. Four of your five immediate predecessors—Presidents Carter, Reagan, Clinton, and George W. Bush—each vetoed an NDAA. Restrictions impeding the closing of the Guantanamo prison clearly warrant a veto by you.

We believe that you will be far more likely to succeed in fulfilling your commitment to closing the Guantanamo prison if the transfer restrictions are allowed to expire on March 27, We strongly urge you to veto the NDAA, because it includes an extension of the restrictions on transferring detainees out of Guantanamo for either repatriation or resettlement overseas or prosecution in the United States. Thank you for your attention to this request.

Sincerely,

American Civil Liberties Union, American Friends Service Committee, Amnesty International USA, Appeal for Justice, Bill of Rights Defense Committee, Brennan Center for Justice, Center for Constitutional Rights, Center for International Policy, Center for Victims of Torture, Commission on Social Action of Reform Judaism, Council on American-Islamic Relations, Defending Dissent Foundation, Disciples Justice Action Network, Friends Committee on National Legislation, Human Rights Watch, International Justice Network, Japanese American Citizens League, Maryknoll Office for Global Concerns, National Association of Criminal Defense Lawyers, National Religious Campaign Against Torture, Peace Action, Presbyterian Church (USA) Office of Public Witness, Physicians for Human Rights, Psychologists for Social Responsibility, Rabbis for Human Rights—North America, United Church of Christ Justice and Witness Ministries, United Methodist Church, General Board of Church and Society, Unitarian Universalist Association, Win Without War.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the ranking member and chairman of the Rules Committee.

Today, I rise to discuss just one portion of the National Defense Authorization Act. It is a section of the conference report that supports our Nation's first responders, and I signed the conference report for that section only.

In July of last year, I introduced legislation to reauthorize two programs—the Assistance to Firefighters Grant Program, the AFG Program, and the Staffing for Adequate Fire and Emergency Response Program, the SAFER Program. These programs were created to help local fire departments across the country maintain and increase their capacity to do all that we ask them to do each day, including fighting fires, responding to medical emergencies, and providing safety and aid in the face of disasters, either natural or manmade.

Maintaining the equipment, training, and personnel to safely and swiftly respond to calls for assistance is increasingly difficult. Fire departments around the country have been forced to lay off firefighters and to do without needed equipment and training. The fire grant programs have played an important role in helping local fire departments overcome some of these challenges, providing over $6 billion in assistance since the year 2000. These grants have been essential to maintaining public safety in many communities, and they're even more important in the face of our shrinking local budgets.

Fire is a serious problem in the United States, killing over 3,000 people a year, which is a rate higher than in all other industrialized countries. Additionally, each year, nearly 20,000 people are injured, over 100 firefighters are killed in the line of duty, and $10 billion in property is lost due to fire.

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

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

In my State of Texas, 2011 was an especially destructive year, with 4 million acres burned, over 5,500 homes and structures destroyed, and hundreds of millions of dollars in damages.

Mr. Speaker, I rise today to discuss just one portion of the National Defense Authorization Act—a section of the conference report that supports our nation's first responders. In July of last year, I introduced legislation to reauthorize two programs—the Assistance for Firefighters Grant (AFG) Program and the Staffing for Adequate Fire and Emergency Response (SAFER) program. These programs were created to help local fire departments across the country maintain and increase their capacity to do all that we ask of them each day, including fighting fires, responding to medical emergencies, and providing safety and aid in the face of disasters either natural or man-made.

Maintaining the equipment, training, and personnel to safely and swiftly respond to calls for assistance is increasingly difficult. Fire departments around the country have been forced to lay off firefighters and to do without needed equipment and training. The fire grant programs have played an important role in helping local fire departments overcome some of these challenges, providing over $6 billion in assistance since 2000. These grants have been essential to maintaining public safety in many communities and they are even more important in the face of shrinking local budgets.

Fire is a serious problem in the United States, killing over 3,000 people a year—a rate higher than all other industrialized countries. Additionally, each year nearly 20,000 people are injured, over 100 firefighters are killed in the line of duty, and $10 billion in property is lost due to fire. In my State of Texas, 2011 was an especially destructive year with 4 million acres burned, over 5,500 homes and structures destroyed, and hundreds of millions of dollars in damages.

Statistics show that minorities and low-income Americans are disproportionately the victims of fires. In addition to providing the resources necessary to ensure our fire departments have the equipment and personnel they need, the United States Fire Administration, which is also reauthorized in the conference report, supports fire prevention and safety activities, promotes the professional development of the fire and emergency response community, and conducts research, testing, and evaluation to help reduce fire deaths, injuries, and loss.

We need to ensure that our firefighters and emergency medical personnel have the tools that they need to protect us. Reauthorization of the fire grant programs and the United States Fire Administration will do just that.

The good news is that, even in these times of increasing partisanship, these common sense provisions have once again garnered widespread support. I am pleased that the bipartisan co-chairs of the Congressional Fire Services Caucus have joined me in supporting the reauthorization of these critical programs. As the Ranking Member of the House Science, Space, and Technology Committee, which has jurisdiction over these programs, I hope the rest of my colleagues will join us in supporting these provisions.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

□ 1250

Mr. KUCINICH. In this discussion over the NDAA, we arrive at a moment where we meet the moral consequences of our Nation's choices over the past decade. We chose war in Iraq, Afghanistan, Pakistan, Libya, Yemen, Somalia, and perhaps later on Iran. Inexplicably, we've created openings for al Qaeda and radical fundamentalists as a result of our interventions. At home, we choose a false notion of security over personal freedom, even if it means we look the other way when the very language of this bill opens the door for indefinite detentions of Americans. And we choose poverty over plenty by giving over a half trillion dollars to the Pentagon and nearly $90 billion for wars, including Afghanistan, while facing reductions in domestic spending.

We put war on the Nation's credit card, including a $5 trillion charge for the war in Iraq, which was based on lies. We gather at a fiscal cliff of our own making and refuse to see the implications of our unrestrained spending for war. But when it comes to providing for the long-term security of our seniors, a cynical ploy using the Consumer Price Index is being used to cut seniors' Social Security benefits.

When did America become more concerned about the control of and the security of foreign lands than the retirement security of our own people? Unending war abroad means austerity here at home. It's caviar for the Pentagon and cat food for seniors. Our choices are being made, but when will we choose for America jobs for all, education for all, health care for all, housing opportunities for all, retirement security for all? When will we choose freedom over fear? When will we break the hold which fear has over this Nation and our budget choices?

I'm voting ''no'' on this bill.

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

In the cacophonous list of things that this bill does not do, one can even look at some other areas. I mean, there are other areas in which we have problems in the defense of this country and future challenges that are before us, even in the modernization of our weapons system.

Even as Russia has fielded new and modernized nuclear ICBMs, the U.S. land-based nuclear deterrence is in need of future modernization; and yet this administration has cut resources to begin planning for the upgrading and modernization of our ICBMs and related nuclear-based systems that have largely been ignored. This trend simply cannot continue.

But having recognized those problems that are there, it is also time to realize what this bill actually does that moves us, as a Nation, forward:

It will provide $552 billion, which is $2 billion more than the President requested, and that is a plus;

It increases the pay for our all-voluntary forces by 1.7 percent and provides critical bonuses for those who are now working in harm's way;

It keeps the faith with the military retirees and our veterans in regard to TRICARE, and rejects the administration's proposal to increase fees and copayments on them;

It deals with the issue of troop reduction in a responsible way by putting caps on the number of troop reductions that can be placed in a single year;

It has a conscience clause for servicemen and for chaplains;

It implements the Hyde amendment;

It addresses sexual assault with bipartisan, specific new regulations and procedures for combating and prosecuting sexual assaults within the military;

It has a total new program to provide and help with suicide prevention for dealing with those people who have volunteered to represent this country in the military;

It opens up new bipartisan reforms for competition and innovation in the way the Department deals with small businesses and spurs on innovation;

It deals with strategic forces like the NNSA reforms, our nuclear oversight, our missile defense system, the Iron Dome;

Its provisions dealing with Guantanamo Bay, which prohibit the transfer of detainees to the United States, are the exact right thing that should be done;

It also looks at retaining our vital systems like our naval cruisers, our airlift capacities, Global Hawk, the anti-armor, and investing in new future capabilities that we need like airborne electronic warfare. The aircraft that we need, the submarines, the destroyers that happen to be there; and,

indeed, it has a section in there dealing with the sanctions on Iran.

All of those are specific and important to us.

We have a responsibility to make sure that this core constitutional responsibility of ours is done efficiently. I want it to be known that those who are in the military uniform must respond to the higher-ups which they are dealing with. The Secretary of Defense must deal with walking a line of talking about what they have to do and what they wish they could do. In no way does anyone in uniform say that things that are put in this budget is something that they do not need or do not want.

We have cut the military in this country when we were cutting nothing else. While we were running up stimulus bills, we were still cutting the military. We cut them in the last 2 years of the Bush administration. Under Secretary Gates, it was a $400 billion cut. All told, the cuts that this Congress has put on the fence when it has not cut other areas is between $800 billion and $1 trillion, and that doesn't even count what could happen within sequestration.

We seem to forget, as we're looking, and we take some of the things we have here for granted. The United States has had air superiority since the Korean War, which means our men on the ground, when they hear something overhead, don't have to worry about whose insignia will be on that plane; they know it is ours. But if, indeed, we do not upgrade and innovate and improve our air capacity, we don't have that in the future.

And what we do now is not just simply what we can do today; what we are authorizing in this bill is what we can do 20 years from now. If we don't start the research and development today, we will not have that capacity.

I reject those who say, Look, the F–35 is too expensive; let's just build more F–16s—even though Third World countries have planes that have the same capacity technologically as our F–16s and our F–15s. What we need is a new generation, so if our men are put into a fight, it will not be a fair one.

And we have the technology, the new generation of technology to make sure that we are in the forefront and to make sure that we maintain that air dominance into the future. It is something that we have had for so long and we have had so many people work so hard to maintain that we here, today, seem to sometimes take it for granted. And we ought not. This is our future. This bill is about our future, and we cannot—we cannot—simply go back because we wish to change the milieu of what is happening here. This is a good bill.

I reserve the balance of my time.

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

First of all, we have air superiority over every country in the world. We have the strongest military in the world, and I'm proud of the men and women who serve in our military.

But, you know, we have to make choices here. I mean, do we really need all these troops deployed in Europe that have been there basically since World War II? I mean, I don't think Germany is going to invade France any time soon or Russia is going to invade Poland, but yet we have a huge amount of deployed American forces in Europe. Maybe we need to have a discussion about whether or not we need that, whether or not we can afford that expense, whether or not it does anything to enhance our security.

Again, I want a military that is the best in the world. I want them to continue to be that way. I want them to be second to none. I want to make sure that we have all that we need, but I don't want to be investing in things we don't need. And when the Joint Chiefs of Staff and when the Secretary of Defense and all of the experts tell us that they don't need something, and we here appropriate money to keep something going that is unnecessary, that is unwanted, at the same time while you're trying to cut the benefits of some poor old lady on Social Security, there's something wrong with this equation. We have to start thinking about the security of people here in this country as well.

What we're going to do right after this is take up a rule that is going to gut a whole bunch of programs that, quite frankly, keep people from falling through the cracks—everything from food stamps to child nutrition programs to education programs. Anything that helps anybody who's in need is going to get walloped after the next rule is passed, with a tax plan that is so blatantly unfair that I can't even believe that my friends are bringing it to the floor of the House for a debate.

So, you know, let's talk about what we need to do to maintain the security of our people in this country. We need a strong military. We need to meet the challenges abroad, but we also need to meet the challenges here in the United States of America. We need to focus on things like jobs and affordable housing, making sure that people have the ladders of opportunity so they can succeed. So that's where I object.

□ 1300

This bill is more than the people at the Pentagon want. We're just throwing more money at this, and I think it's a mistake.

Mr. Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I too believe in military preparedness, coming from a State like Texas, where the population of men and women who have served or are serving in the United States military is renowned and appreciated.

As I look at the tourists who walk through the Halls, I wonder which of those young people will take an oath and join the United States military. And so when I see raises for the troops, it pleases, I think, all of us.

I'm concerned about the Afghanistan timeline. I had hoped that it could be expedited. I certainly do commend the Iron Dome because we saw it work with respect to Israel. I question, however, the drones that may have collateral damage.

But I do think it's important that this bill does, in fact, make a commitment to protecting the women and children in Afghanistan, responds to the issues dealing with sexual assault against military personnel, and particularly women, and is strong on Iran sanctions.

But I rise today as well because I think when we talk about people, and we talk about the men and women of the United States military, we talk about their health. And yesterday, in the Rules Committee I raised this point and I raise it again.

I'm going to support this bill because I think it'll make a leap of faith and commitment to finding the cause of triple negative breast cancer. I mentioned yesterday in the Rules Committee that triple negative breast cancer cells are usually of a higher grade and size, onset at a younger age, more aggressive and more likely to metastasize.

In fact, the survival rate for breast cancer, but on triple negative, people are diagnosed and they die in months, maybe a year, such as my constituent, Yvonne Williams, a wonderful health professional who left a husband and two children.

Or maybe the young lady who stopped me when I was walking in the Race for the Cure and said, my mother, a Hispanic woman, got triple negative breast cancer. We did everything we could, and she died within months.

Apart from surgery, the only relief is cytotoxic chemotherapy, its only available treatment. Targeted molecular treatments, while being investigated, are not accepted treatment for this disease.

As I speak today, there are women who may be listening, or others who realize that either their loved one or they may be diagnosed with triple negative breast cancer, and they understand the impact. Whether they are Caucasian or Asian or Hispanic or African American, this disease has not been able to be treated like breast cancers in the other stages.

So I offered an amendment that the House accepted. I think it is an important amendment because what it spoke to is that we need to pinpoint and focus in on what is the cause of this disease. And it called for the triple negative breast cancer patients to be identified earlier in the progression of their disease and to develop targets on molecular and biomolecular issues.

But through that amendment, I must say, although I wanted the specific language, the House was able to hold its position.

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

Mr. MCGOVERN. I yield an additional 30 seconds to the gentlelady.

Ms. JACKSON LEE of Texas. The House was able to hold its position. And on title VII, section 737, I want to say thank you. There is a long amendment that includes my amendment and specifically speaks to having a report that will have recommendations for changes to policy, a law that could improve the prevention, early detection, awareness and treatment of breast cancer among the Members of the Armed Forces.

I would ask the Defense Department that when you look at treatment and research, you must include the triple negative breast cancer. That is, as well, an attack on your personnel in the United States military. If we care about our soldiers, our men and women in all of the branches who serve us, we'll care about their health, and we will include that research.

I thank the conferees for moving forward on something that is so near and dear to the families of those who live, but certainly of those of the families who have died.

Mr. Speaker, I am here today in support of language from my Amendment, Number 91 to H.R. 4310 "National Defense Authorization Act," which would direct the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC).

In addition, my amendment was intended to result in information useful in biomarker selection, drug discovery, and clinical trials design that will enable both TNBC patients to be identified earlier in the progression of their disease and develop multiple targeted therapies for the disease.

Unfortunately, my language was not included in the Senate Amendment but I have read language in the Joint Manager's Statement and the Conference Report does provide for a study.

The language reads, "Study on incidence of breast cancer among members of the Armed Forces serving on active duty," and is included in Section 737.

I stand up for all women today who have been victims and really for those who might so that we can look into prevention, cure, and eradication of breast cancer.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer "an aggressive subtype associated with lower survival rates."

I offer this amendment in hopes that through a coordinated effort, DOD and NIH can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39 percent higher death rate from breast cancer than other groups.

African American women are also 12 percent less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionally affected by triple negative breast cancer.

More than 30 percent of all breast cancer diagnoses in African American are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

THE STORY OF YOLANDA WILLIAMS

Mr. Speaker, last year, I spoke at a funeral for Yolanda Williams, one of my constituents in the 18th Congressional District of Texas. Yolanda died from her battle with triple negative breast cancer. Like many other women who are diagnosed with this aggressive strain, she did not respond to treatment. Yolanda, wife and mother of two daughters, was only 44 years old.

This strain of breast cancer is not only more aggressive, it is also harder to detect, and more likely to recur than other types. Because triple negative breast cancer is difficult to detect, it often metastasizes to other parts of the body before diagnosis. 70 percent of women with metastatic triple negative breast cancer do not live more than five years after being diagnosed.

Research institutions all over the Nation have started to focus on this dangerous strain of breast cancer. In my home City of Houston, Baylor College of Medicine has its best and brightest minds working tirelessly to develop a targeted treatment for the triple negative breast cancer subtype. It is time for the Department of Defense to follow that example and commit additional funding to study the triple negative strain.

I had urged my colleagues to join me in protecting women across the Nation from this deadly form of breast cancer by supporting my amendment, and enough of them did so that language was sent to the Senate addressing triple negative breast cancer; and we live to fight another day for more precise language dedicated to a most-pernicious form of breast cancer, while being appreciative of language in the final conference report addressing breast cancer among those most at risk, on active duty fighting, for our country.

FAST FACTS

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90 percent for White women but only 78 percent for African American Women.

African American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer, TNBC, is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are usually of a higher grade and size; onset at a younger age; more aggressive; more likely to metastasize.

TNBC also referred to as basal-like (BL) due to their resemblance to basal layer of epithelial cells.

There is not a formal detailed classification of system of the subtypes of these cells.

TNBC is in fact a heterogeneous group of cancers with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment; targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17 percent of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affect African American women, followed by Hispanic women.

African American women have prevalence TNBC of 26 percent vs 16 percent in non-African-Americans women.

TNBC usually affects women under 50 years of age.

African American women have a prevalence of premenopausal breast cancer of 26 percent vs 16 percent for non-African-American Women.

Women with TNBC have 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distance metastases in the brain and lung and more common subtypes of breast cancer.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, it's my pleasure to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, this defense authorization legislation is a missed opportunity. Our Republican friends would have us approve this at a time when we're struggling with the long-term fiscal stability of the United States. We're set to pass a bill that authorizes funding above what we approved in the Budget Control Act. This is spending 20 percent above the Cold War average, double what we had in 2001.

Even if somehow we went over that dreaded fiscal cliff and sequestration kicked in, it would only reduce spending to what it was in 2007, adjusted for inflation, when we were fighting two wars. It's a missed opportunity.

I heard my friend from Utah talk about avoiding any increase in fee in terms of health care. Excuse me?

We're looking at draconian impacts that some are suggesting for some of our society's most vulnerable. And, here, we haven't adjusted a fee since 1995.

The Department of Defense is going to spend $50 billion on health care. It's gone up 300 percent since 2001. Ten million people are involved, and they count it as a point of pride that we're not making any adjustment at all? For a retired three or four star general earning a pension of over $200,000 a year, 80 percent of whom go to work for the defense industry, and they pay a $50 fee?

I'm sorry, I think it's a missed opportunity.

I heard my friend from Utah talk about the nuclear arsenal and upgrading intercontinental ballistic missiles. I think this is a missed opportunity. Look at the nuclear arsenal, we're spending over $55 billion a year—we don't know how much more because that information isn't readily available—for weapons that have not enabled us to fight in Iraq or Afghanistan.

Many of these weapons we can't use, will never use, but we're going to spend $200 billion upgrading the arsenal over the next 10 years. And we're looking at three separate delivery systems, including new submarines at almost $5 billion a piece. Against whom?

We need a tiny fraction of this to deal with China or Russia. Our nuclear arsenal isn't stopping Iran from trying to achieve its nuclear weapon.

These are sad, missed opportunities to right-size the military, which will still be the most powerful in the world, by far.

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

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. For us to deal with the threats that we face today, to deal with the damage that we have done in the reckless misguided war in Iraq, to be able to deal meaningfully with the Guard and Ready Reserve that should be upgraded and healed from the damage that was inflicted upon them.

We can provide far more real security, save tax dollars, deal with the needs of veterans that are about to be, sadly, undercut, and provide balance to our budget. In fact, the fiscal instability from reckless bills like this is, in fact, a national security threat.

We're no longer going to be able nor should we pay almost half the world's entire military spending. We should start by rejecting this authorization.

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

I always hate to try and say we ought to learn lessons of history; but the Founding Fathers, when they made that our core constitutional responsibility, clearly understood that if you do not have a military capacity, you do not have not only the ability to defend the country, but you do not have the ability to make diplomatic efforts in any of those areas.

It is interesting that our allies in NATO are spending far more of their GDP on military defense than we are. But obviously, and ironically, those who are are almost always those countries which experienced firsthand what it was like to live under the domination of the Soviet Union. They understand the significance of this particular proposal and these particular kinds of bills.

Mr. Speaker, I would like at this time to recognize the soon-to-be-retired chairman of the Rules Committee who has done so much in his tenure here in the Capitol. I yield such time as he may consume to the gentleman from California (Mr. DREIER).

□ 1310

Mr. DREIER. I thank my friend from Brigham City. I appreciate his generosity of yielding me such time as I may consume.

Mr. Speaker, let me just say that I appreciate the fact that my friend from Worcester said we should have a defense capability that is second to none. We should be preeminent in the world. I appreciate his statement. I also appreciate the fact that he talks about the multifarious societal needs that are out there, ensuring that we don't see those who are struggling to make ends meet suffer. We concur wholeheartedly in that goal. But I have said this time and time again. I said it in the Rules Committee and Mr. BISHOP and I had a discussion about this. And Mr. HASTINGS of Fort Lauderdale got into there as well.

This is my perspective. Thomas Jefferson said that two thinking people given the exact set of facts can draw different conclusions, but I've concluded as I looked at the preamble to the Constitution with all the important statements in there—We the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, do ordain and establish this Constitution for the United States—I argue, Mr. Speaker, that the five most important words in the midst of that preamble are ''provide for the common defense.''

And the reason I say that is that as we look at all the things that the Federal Government does, virtually all of them—not all, but virtually all of them—can be handled by individuals, by communities, cities, families, counties, and States. But there's one thing that cannot be handled by those other entities, and that is our national security. We can't have the individual States providing for the national security. And that's why I believe it is the single most important responsibility for the National Government.

I believe that we can have a cost-effective national defense. I believe that we can correctly focus on waste. We know and have heard the horror stories, and we've heard about some of the waste that's taken place in the Pentagon. We've got to bring an end to that, no doubt about it.

At the same time, my friend from Utah just talked about the fact that our allies within the North Atlantic Treaty Organization are spending a greater percentage of their gross domestic product on national security for the reason that they have felt threatened. They've lived under repression. There are NATO allies that have been countries that were basically under the control of the former Soviet Union. And in light of that, they continue to live with an understanding of how important national security is. We have important countries in Eastern and Central Europe that are struggling to not only become members of the European Union but to join the North Atlantic Treaty Organization because they still are seeking a chance to be free of that kind of repression.

I'm reminded of what took place during the 2008 Summer Olympics in Georgia, when we saw the incursion from Vladimir Putin's Russia into Georgia over the breakaway regions of Abkhazia and South Ossetia. We continue to see lots of threats. It is a very dangerous world. Tragically, Plato said: Only the dead have seen the end of war.

And I remember that as we saw the demise of the Soviet Union, the crumbling of the Berlin Wall, many of us did believe as Francis Fukuyama famously wrote about the end of history, believing that political pluralism, the rule of law, and self-determination and democratic institutions would thrive all over the world. Well, it hasn't quite worked out that way in the last couple of decades. And we all know what the consequences of those threats have been. For the first time ever, we had the kind of attack that we did on September 11 on our soil.

All this is to say, Mr. Speaker, it's important that we have a strong, balanced defense authorization bill. And I believe that the National Defense Authorization Act that is before us is right. And I appreciated hearing the distinguished ranking member of the Committee on Rules, Ms. SLAUGHTER, praise the fact that it's focusing on some of those very important social issues that she has raised and addressed. She complimented this defense authorization conference report for doing that.

And there are other things. This morning, I was listening to WAMU. I wasn't aware of this, but I heard the Delegate from the District of Columbia, Ms. NORTON, talk about the fact that we are going to have recognition of flags in the District of Columbia for our veterans. And there's inclusion in this conference report that deals with that issue. She pointed to the fact that flags are very, very important. When we have foreign dignitaries come to the United States of America, flags are used to recognize their presence. Of course, veterans from the States across the country have that, but the District of Columbia hasn't. I'm pleased that Ms. NORTON was able to have that issue addressed in the National Defense Authorization Act conference report.

And so this is a measure which I believe really transcends political party. There's great bipartisan support for it. And it also covers lots of important issues that do come back to our Nation's security. And so I believe, Mr. Speaker, that as we look, again, at those five most important words, from my perspective, in the middle of the preamble of the U.S. Constitution,

''providing for the common defense,'' that we are doing that—and exactly that—with this measure.

So I encourage my colleagues to support the rule and the conference report that we will have. I believe it will be a great benefit to our men and women in uniform and to the future security of the United States of America and our allies.

Mr. MCGOVERN. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, as we begin debate on this National Defense Authorization Act, it's critical that we understand just how important it is to our troops and to our country that we pass this legislation with a bipartisan vote. It's easy to get bogged down in partisanship on most issues, but this cannot be one of them. This legislation provides the men and women of our Armed Forces the necessary equipment and financial support to effectively carry out their duties while at the same time protecting all of our national security. Our troops have proven time and again that they are the most skilled forces in the world, but we must provide them with the necessary support to help them serve and protect our country.

Congress has an obligation to support the men and women who serve in the Armed Forces and who sacrifice so much for us every day. Our country owes them more than we can ever repay. And I strongly urge my colleagues to honor and respect our Armed Forces by passing this bill when it comes up later today and affording our troops the funding that they need and deserve.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me first thank Mr. MCGOVERN for yielding the time and your tremendous and tireless leadership on the Rules Committee, but also for your leadership in protecting our young men and women at home and providing strategies for how to bring them home quickly and safely and orderly.

With the drawdowns from two wars, now is the perfect opportunity to reevaluate our runaway defense spending and make sure that our defense budget reflects our overall national security strategy. Many outside experts from across the political spectrum have concluded that the Pentagon can afford much more substantial cuts than what's found in this bill. Secondly, while this bill contains some audit provisions, these measures are only set to take hold in 2017. The Pentagon needs to be audited. It should have been audited and should be audited right now—last year, this year, next year. We can't wait until 2017.

Earlier this year, I offered an amendment that would have cut any Federal agency's budget by 5 percent if they are unable to provide audit-ready financial documents. We need to get some sunlight on the Pentagon's books to create a culture of responsibility and accountability at the Defense Department.

On Afghanistan, the bill has some notable positive steps, but nonetheless fails to call for a swift and safe withdrawal of our troops. On the positive side, I applaud the conferees for including provisions to ensure that security for Afghan women and girls is a priority during the transition to Afghan security responsibility.

□ 1320

However, on balance, this bill does not go far enough.

We all know there is no military solution in Afghanistan, and it's time to bring home our brave men and women in uniform and transition to full Afghan control. After 10 years and $600 billion invested in an unstable country, it's past time to end this war—not in 2014, but right now.

Finally, I'm very concerned about how this bill undermines the bedrock values of America, and I'm talking about the constitutional guarantees of due process. I was disappointed to see Senator FEINSTEIN's provision prohibiting indefinite detention removed during the conference. We should not allow those who seek to terrorize the American people to win by trashing the very civil liberties at the heart of our national identity.

So I urge a ''no'' vote on the rule and a ''no'' vote on final passage.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, this is a moment of opportunity for us to get serious about dealing with our budget deficit by eliminating the bloat and the waste in the Pentagon's budget.

What we have before us has some very good provisions in it, but it also has some very bad provisions in it. The gentlelady from California mentioned the language on Guantanamo, which is unfortunate. But this bill also reflects more money—more money—than the Pentagon even wants, more money than the Joint Chiefs of Staff wants. So we're throwing more money into this Pentagon budget even though they haven't asked for it and they don't want it.

At the same time, my friends on the other side of the aisle are proposing measures—which are going to be taken up in the next rule—to decimate the social safety net in this country, to make it more difficult for middle-income families, to make it more difficult to send your kids to school, to make it more difficult to get affordable housing, or to get access to food and nutrition if you are in desperate times.

So it just doesn't make any sense to me. I mean, the idea that we're giving more money to the Pentagon than they want, but at the same time we're taking away from our people right here at home.

National security has to mean the quality of life and the standard of living for the people of the United States of America. It has to mean things like jobs and financial security for our families.

I regret very much that my friends on the other side of the aisle seem to not care about what happens to people here in this country because their budgets and their tax bills go directly after middle-income families and constitute an all-out war on the poor.

There was an article in The Washington Post on December 19: ''John Boehner's Plan B Would Raise Taxes on the Poor.'' Really? I mean, is that how you're going to balance the budget, by sticking it to people who already are in vulnerable times? This is wrong.

My friends talk about the debt and the deficit, but what they don't talk about is that we have fought two wars in Iraq and Afghanistan and we haven't paid for it, all on our credit card. We send our young men and women into harm's way, and we ask them and their families to sacrifice, and we do nothing. We just put the bill on our credit card.

A few months ago, the chairman of the Budget Committee, Mr. RYAN, said it's about $1.3 trillion—I think he's lowballing it—but $1.3 trillion on our debt, and nobody over there says a word. They all go after programs like Social Security and Medicare and food stamps.

So, Mr. Speaker, I ask that we defeat the previous question. If we defeat the previous question, I will offer an amendment to this rule to make in order an amendment that will allow the House to have a chance to vote on a bill passed by the Senate to extend middle class tax cuts, which has been introduced in the House as H.R. 15. Also, the amendment would prevent this House from adjourning until we have averted the fiscal cliff and the President has signed legislation to prevent tax increases on the middle class.

There is a rumor out there that my friends on the other side of the aisle are going to try to pass Plan B and C and run out of town and just leave for vacation. I want to get home for Christmas as much as anyone else, but the bottom line is that we are facing a crisis—an artificial crisis that my friends helped create, but we need to avert it.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat

the previous question. I urge a ''no'' vote on the rule.

I would again remind my colleagues that national security and national defense also has to mean the quality of life for people here in the United States.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the remainder of my time.

There are several things I wish to address that have been brought up in the last speech. The first one is, I was just informed that by all means we probably will be here tomorrow and voting, which really hurts my feelings. In one respect, I don't have an upgrade on tomorrow's flight, so maybe it's a good thing that we will be, but there are other times that we will be dealing with these issues.

People have talked about the amount of money that's going here. I hope Members of the House realize that 50 percent of all the cuts that have been made by this administration have been made on the backs of the military, even though the military defense represents less than 20 percent of the Federal budget. Military has, over the past years, been cut and cut and cut again.

This increase over what the President's budget request was is only 0.3 percent higher than the President's budget, and it is less than last year's authorization. I say that only as a fact, not something I think is good because I think we need to be spending more on what these people have to do.

To say that the people in uniform don't want or don't need the programs that are in here is unfair to them. They have to say a specific line in the positions they are in. But the idea that you wouldn't take the cruisers that are going to be expended in here and continue to keep those even though they were scheduled to be mothballed decades before their life span is over, or that you are using these funds to restructure the force structure of the Air Force, which is critical to this country so that we maintain the air superiority we have had since the Korean conflict, that is a ridiculous concept.

This bill is about people. The gentleman from Massachusetts has an air base, Hanscom, in his State—probably not in his district, but his State. I have air complexes. I have people who are working on these issues. We have not modernized our equipment, which means we have to have people working on our air complexes to try to take our antiquated equipment and restore it so it can be useful, so that those who are put in harm's way defending this country at least have the vehicles and the resources available to defend themselves and present the possible outcome. These are the people that are going to be helped. These are the jobs that are going to be helped by the passage of this particular bill. These are the people who get TRICARE, which was given to them either as a bonus to sign or given to them in lieu of salary increases. And it is unfair for the President to say they should have an increase in their copay.

These people who are working at these bases, they're not making $50,000 a year in a pension—they'd be lucky if they make that much money as part of their salary. Those are the people that we need to look after. It is the people who make sure that we have a military that functions, not just those on the front line, not just those in uniform, but also those who provide their services and provide the material that they need to maintain this stuff. This bill moves that forward.

I hope that we do not have as a body a myopic approach to the need for the securing of this country, and we understand how significant this is. This is one of the few responsibilities Congress has to do this year and every year.

I want to just say one thing about the potential previous question. It's not an issue of when we get a chance to vote on it. We have voted on the previous question that the Democrats would like to put in place of this. On August 1, we did have a vote, the Levin of Michigan amendment. It was defeated in this House in a bipartisan manner, with 19 Democrats voting ''no'' on the amendment. Another vote on this at this time is a redundancy; it's been done. Now let us move on to do what this bill is supposed to do, the conference report that solves the problems and puts us moving forward in our defense authorization so that we actually do come up with the programs we need, not just for today but also for the future. It's a good conference report. It's a good underlying bill. We need to move forward.

In closing, Mr. Speaker, I would urge Members to support this rule, which is—I misspoke earlier, it is a standard rule for all conference reports. I urge them to support the underlying provisions of this conference report and of our bill because it is essential for our Nation's defense. It is our core constitutional responsibility, and we should not in any way, shape, or form shirk that.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 840 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 2. When the House considers the Senate amendment to H.J. Res. 66, it shall be in order to consider a substitute amendment consisting of the text of H.R. 15, if offered by Representative Levin or his designee.

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed legislation to prevent a tax increase on the middle class, and to avert the so-called ''fiscal cliff.''

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. With that, Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

□ 1330

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

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

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. Res. 66, PERMANENT TAX RELIEF FOR FAMILIES AND SMALL BUSINESSES ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 841 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 841

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6684) to provide for spending reduction. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees; and (2) one motion to recommit.

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

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority member of the Committee on Rules, Ms. SLAUGHTER, pending which I yield myself such time as I might consume.

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

Mr. DREIER. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I was just thinking about the fact that there are 26 letters in the alphabet, and we have had the first three letters used in discussion here on the House floor today, A, B, and my friend from Worcester brought up the letter C in talking about this. We have what is so-called letter B. And I'm not doing a Sesame Street skit here, Mr. Speaker. Letter B is what we are talking about, Plan B, and I think about Plan A.

Plan A is what the majority in the House of Representatives has been trying for the last 2 years to implement, and it's, very simply, a plan that is designed to put into place something that, interestingly enough, Democrats and Republicans alike say that they support. That plan is meaningful, strong, bold plans for a simpler, fairer Tax Code.

The President of the United States supports tax reform. I'm pleased that the President of the United States strongly supports the notion of taking the top corporate tax rate from 35 percent to 25 percent. That, again, is a very positive area of agreement that we have. But I will say that we in the majority have been trying to put into place real, meaningful tax reform that can ensure that people will see reduced rates, and we will generate enhanced gross domestic product growth.

Coupled with that, our Plan A, Mr. Speaker, has been designed to bring about a reduction in the size, scope, and reach of the Federal Government. And everyone knows what that means. Everyone knows what has to be done to reduce the size, scope, and reach of the Federal Government, and that is real entitlement reform.

So Plan A consists, Mr. Speaker, of two simple things: pro-growth tax reform that will keep taxes low for individuals, job creators, and small businesses in this country so that we can encourage that kind of job creation to which we all, Democrat and Republican alike, aspire; and a reduction of the mammoth size of this behemoth, which, as we all know, encourages a cycle of dependence which has been generational, and it's essential that we turn the core of it.

So just getting our fiscal house in order dealing with the 16-plus trillion dollar national debt is, again, only part of that. But encouraging individual initiative and responsibility, creating pride in individuals by, again, paring back entitlement spending is the right thing for us to do as a nation. That's what Plan A consists of, Mr. Speaker.

Now, if you look at where we are today, we know 11 days from now we are going over the so-called proverbial fiscal cliff. What does that mean? It means that every single American who pays income taxes will see a tax increase go into effect. We also know there will be a massive sequester, which, as we have just passed the rule, and I guess we're going to have a vote on that, as we've just debated the rule on the National Defense Authorization Act, we know it could have a devastating—devastating—impact on our national security.

We know, I think Democrat and Republican alike—not universally, because I know there are some people who do want to go over that cliff, but very few—I think Democrat and Republican alike by and large recognize that increasing taxes on working Americans, in fact, will create a scenario which will impinge on our ability to encourage the kind of gross domestic product growth that is important for us and for our security as well, economic security and our overall national security.

So I think about my former California colleague, the now-Secretary of Defense Leon Panetta, who said to this institution:

> Please do what you can to ensure that we don't have that sequester take effect. Do what you can. Work hard to try and make sure that we can address abuse that's taken place within the Pentagon spending, but have what is necessary for our national security.

So as we look at these issues, we're going through a troubling time. We have divided government, something that those nations that live under a Westminster-type system don't have. We have a Democratic President and a Republican House of Representatives. I happen to believe that that creates an opportunity.

I didn't vote for Barack Obama for President of the United States, Mr. Speaker, but I will say that I do believe that having a President of one party and a United States House of Representatives of another party does create an opportunity for us to work together in a bipartisan way tackling entitlement spending.

We know that if my party had won everything, it would have been tough for us. It would have been tough for us because of the political attacks that would have taken place from the other side of the aisle to take on entitlement reform. But working together now that we have, again, a President of one party and a House of Representatives of another party, I believe that we can tackle this issue, and that's really what we desire. I think it's the right thing to do.

We're in the midst of very tough negotiations that are taking place between two people, as we all know: the President of the United States, Barack Obama, and the Speaker of the House of Representatives, JOHN BOEHNER. And I want to express my appreciation to

my colleagues on the other side of the aisle. I've been in the minority. I've served in the minority up until—from 1980 until 1994, 14 years I served in the minority, and from 2006 until 2010, for 4 years I served in the minority. And it's challenging. It's not easy.

But we are, as I said, 11 days away from going over the fiscal cliff, and we feel strongly about the need for this institution to state its position on this. I know that we've heard that the majority leader in the United States Senate, Mr. REID, has indicated that he doesn't want to bring up, if this bill passes the House of Representatives, this measure, and the President has put out a Statement of Administration Policy that this bill would not gain his signature.

□ 1340

I don't think that anyone is convinced that the bill that we're going to pass here is one that is going to end up being the agreement, but it's very important in the negotiating process for work to proceed and for institutions to stake their position.

We happen to believe that Mr. BOEHNER has really made some bold steps in working to ensure that we do not go over that fiscal cliff, and I think that we are in a position today where I think that the action that we will take will be a positive step to enhance the chance for a negotiated resolution to this.

I want to say that the process hasn't been perfect, and I'm not claiming that everything that took place upstairs in the Rules Committee last night was perfect. But I will say, look at what it is that we've included: basically a reduction of $238 billion over 10 years in the reconciliation package that passed this House of Representatives earlier this year. The measure that we have before us that is going to be debated separately is one that is actually pared back from the measure that passed the House of Representatives. The only changes that have been made have been made to accommodate the date change, putting in this month of December in place of the earlier month this year when the debate took place.

We know what this is. And for those who might claim that the so-called ''reconciliation package'' that we have is imposing draconian cuts which will be devastating for those who are struggling in this country, I remind them of the alternative, which happens to be the sequester. It's our hope that this reconciliation package, Mr. Speaker, will play a role in ensuring that the sequester that would be devastating—I acknowledge it would be devastating—does not take place. This is the alternative to the sequester, Mr. Speaker.

The package that we have will, in fact, see rate increases for those earning in excess of $1 million. That's .19 percent of the American Federal income taxpayers. That means that all the rest of the Americans, an overwhelming majority, will actually avoid seeing that tax increase go into effect.

I also would like to say that we have to remember that if you look at the '01 and '03 tax cuts that became public law, part of that law, current law, Mr. Speaker, makes it clear that we actually would see those rates with the top rate at 39.6 percent. That's part of the '03 agreement that we had. So any action that we take that is less than that top rate of 39.6 percent, Mr. Speaker, is actually a tax cut, and we need to recognize that.

Mr. Speaker, what we're doing here—and I appreciate again the understanding of the minority—is simply trying to move ahead with this good-faith negotiating process that Speaker BOEHNER and the President of the United States are in the midsts of. I hope that in light of the balanced approach of this package, that we'll be able—by the way, this package has enjoyed at least statements of support from Democrats in the past from both the House and the Senate—I hope that this can be a positive step as we seek to resolve just as quickly as we possibly can this question.

We all know that uncertainty is the enemy of prosperity; and our goal is, Mr. Speaker, to put into place a policy that will have the kind of certainty that will encourage our job creators and encourage those who are out there seeking to get onto the first rung of the economic ladder to have the kind of opportunity that is necessary.

With that, Mr. Speaker, I reserve the balance of my time.

If the measures before us constituted the Republican Plan A, they would be a package of sweeping tax and entitlement reforms. They would provide considerable new revenues through economic growth and a simpler, fairer tax code. They would rein in our ballooning deficit by making our entitlement programs solvent over the long term. Together these critical initiatives would put our economy back on the path toward prosperity and opportunity.

For two years, this Republican Majority has worked tirelessly to enact Plan A. We have passed dozens of bills. Speaker BOEHNER has spent countless hours negotiating with President Obama. All in an effort to advance our Plan A. I still have hope that we will reach an agreement that will substantially achieve the goals that we have outlined: growth and balanced budgets through meaningful tax and entitlement reform.

But the measure before us today is not Plan A. It is Plan B. Time is running out. We are 11 days away from the end of 2012. 11 days away from our last opportunity to avoid the so-called fiscal cliff. 11 days away from significant tax increases on every single tax payer in America and devastating cuts to our military.

The Members of this body may disagree on many things, but we all agree that the across-the-board tax rates that become effective on January 1 will have a very damaging effect on our frail economy. The first of today's underlying bills is a safeguard against the most detrimental aspects of the fiscal cliff. It extends the 2001 and 2003 tax cuts for the 99.81 percent of Americans who make less than $1 million a year. This action protects the middle class and virtually all small businesses. No other single action would go further to mitigate the crisis that is looming before us.

The second of today's underlying bills makes responsible spending cuts that will help to rein in our deficit without compromising national security. Defense Secretary Panetta has tirelessly exhorted Congress to avoid these draconian cuts to our military at all costs. We are absolutely committed to getting our fiscal house in order. But we must do so in a way that does not sacrifice our security. The underlying spending package makes essential cuts, while ensuring that we do not put our homeland and our troops at grave risk.

We of course want to go much further than simply limiting the worst of the damage of the fiscal cliff. We will continue to strive for a comprehensive solution until the tremendous challenges before us are addressed. These challenges will not be resolved in any sustainable way until we substantially reform our tax code and deal with the fundamental insolvency of our entitlement programs. But we would be utterly derelict in our duty to first do no harm if we failed to implement these critical stopgap measures.

It is essential to recognize that current law raises taxes for every single Federal income tax payer on January 1. Every working American, every small business owner, will face a higher marginal rate 11 days from now. That is the current law of the land. Today's underlying tax bill maintains current law for 0.19 percent of taxpayers, while cutting taxes for 99.81 percent. This is not a tax increase. It is a tax cut for very nearly everyone. Without it, we run the real and serious risk of plunging our economy back into recession.

Today's measures represent neither a comprehensive solution nor the end of our efforts to reach one. It is simply action that must be taken to protect our fragile economy and beleaguered workforce until a long-term solution can be reached.

I urge my colleagues to support this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, today we're watching an attempt to perpetuate a hoax. To everybody watching, I want to say to you don't bother to take notes, no need to call the family to see history being made here. Just move along. There's nothing happening here. We've got this plan that doesn't come anywhere close to being a solution to the fiscal cliff. It's a political gimmick, and all of us recognize that it has no chance whatsoever of becoming law.

The process that has brought us here has been equally shameful, more befitting a developing country than the greatest democracy on Earth. It has been absolutely painful to watch the otherwise responsible Members of the majority play their assigned roles, pretending that what we did last night was normal and legitimate. Last night we saw one of the greatest miscarriages of the democratic process in my time on the Rules Committee. Facing the impending fiscal cliff that could devastate our economy and harm millions of Americans, the majority decided to cobble together last-minute legislation on a wing and a prayer.

Last night, the Rules Committee spent most of the evening debating legislation that we've barely seen. We were told that there would be two bills. Two bills actually were filed at midnight on Tuesday. One of them disappeared. And in the waning hours, even while the debate on the rule was taking place, a third was dropped into our laps. It turned out to be a warmed-over bill that went through the House of Representatives in May destroying health care, food stamps, and almost every other possibility of people in the country to survive. That's how the majority wants to solve the greatest economic threat facing our Nation.

With nothing less than millions of jobs on the line, does the majority really believe that passing a bill in less than 24 hours that will do absolutely nothing is responsible governing?

Today we're prepared to vote on this legislation and, I think, possibly adjourn for the final time this year. If this is the majority's final attempt to reach a compromise, then our Nation does indeed face frightening times. If no compromise is reached, we may face the greatest displacement of workers since 1929 as sequestration takes effect and forces countless layoffs. How devastating is that to a recovering economy? Every American knows we cannot let this happen; and, frankly, I believe that every Member of Congress knows that we never would let it happen. But after last night, I'm not so sure.

This is not a serious solution to avoid economic catastrophe. It's just one last attack on the poor and the middle class right before we tumble off together over the fiscal cliff. Today's bill contains many dangerous provisions. I mentioned part C that we got last night, the old warmed-over bill providing an average tax cut of $50,000 for millionaires and billionaires. Meanwhile, the 25 million working families would pay an average of $1,000 more on taxes; 11 million families would lose a tax credit that helps to pay for college; drastic cuts would be made to Medicare; and the important provisions of the Affordable Care Act would be no more. They simply could not adjourn this year without one last attempt to destroy the health care bill that will provide health care for millions more Americans, many covered by insurance that they have never been able to have before.

During my last election, which occurred last month, I met more than one person who told me that they had been born—there is one person who sticks out in my mind—she had been born with cerebral palsy, Mr. Speaker. She told me that her whole life, while she brought up a family, lived her life driving a car, cooking, moving, everything that we all do and take for granted in life, she had to do without any health insurance because having been born with cerebral palsy, she had a preexisting condition that prevented it. It was not until she was 65 and was able to get Medicare did she have the peace of mind that most of us take for granted that she was eligible to be covered. Why in the world do we keep trying to be the only industrial country that does not take better care of its people than that?

Finally, 2 million Americans would lose their unemployment assistance right here at the holiday time. As I said before, the nutrition assistance program would be gutted. Those unjust cuts would leave millions struggling to pay their bills and put food on the table.

The Americans that we're talking about, those that will be suffering, are not the ones that caused the problem in this country. They had nothing to do with financial services and the shenanigans that were played that brought us to our knees. Yet, continually, this House asks them through the majority side to pay the price.

□ 1350

Enough already. They're not to blame, and they should not be put on the block.

Sadly, just days ago—Tuesday, in fact—it appeared that President Obama and Speaker BOEHNER were close to a fiscal cliff compromise. President Obama had made concessions, some that, frankly, as I pointed out, our side is not that crazy about, but in the blink of an eye, the House majority decided to walk away in 51 seconds, announcing what they were going to do in a take-it-or-leave-it manner and introduce this political hoax that is before us today.

Mr. Speaker, don't anybody be fooled. The American people know better. They see through this. They know that a compromise means that we must meet in the middle. Unfortunately, the majority continues to think, if they pass extreme legislation and then run for the hills, the rest of us will be forced to give in.

We've seen similar antics from the majority throughout the 112th Congress—from holding the full faith and credit of this Nation hostage for the first time in its history and losing our credit rating to voting 33 times to repeal health care reform. The majority has continually advanced a cynical and partisan agenda at the expense of our Nation's welfare. Given this, there is little surprise that the approval rating for Congress is at an all-time low and that historians have said it is the least productive Congress in our history.

Mr. Speaker, in the election just last month, the American people made their voices heard. When asked to choose between an extreme agenda that took care of the millionaires and billionaires at their expense, they said ''no'' in that they wanted not to be going over a fiscal cliff, and they have made that very clear.

I think of what we have done to just the economic future of this country by debating this fiscal cliff as long as we have, but I don't believe, as I said, that we will actually go over it, except I'm not really clear on what we're doing here today unless that is to cut and run. Yet, in the process, the majority has presided over a shameful legislative circus not worthy of this institution. When our Nation is in desperate need of serious solutions, the majority is doing everything in its power to avoid finding the answers.

I strongly oppose this hoax before us. I urge my colleagues on both sides of the aisle to oppose the rule and the underlying legislation.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks that my good friend from Rochester has made as it relates to the sequester. I agree with her completely, Mr. Speaker. It is very important that we not let the sequester take place, and I hope and believe that she is right, that we will not see that happen.

Number two, I'd like to associate myself with her remarks as it relates to ensuring that we do not go over the fiscal cliff. That's something that is very, very desired on our part as well.

I'd also like to respond to just one point very quickly, Mr. Speaker, before I yield to my good friend from Roseville and say that I can provide my friend from Rochester, our distinguished ranking member of the Rules Committee, assurance that we will not be adjourning the Congress today and ending our work. I have said—I said in the Rules Committee, Mr. Speaker—that we are going to continue with our work.

The action that we are going to take relates to these two measures: again, the reconciliation package, which is designed to ensure, as my friend from Rochester has said, that we don't see sequestration, which we all know would be devastating if it were to take effect. It is a package of $238 billion over a 10-year period of time. It is a very responsible measure that is not going to be gutting programs but is going to responsibly begin to tackle entitlement reform.

Ms. SLAUGHTER. Will the gentleman yield?

Mr. DREIER. I yield to the gentlelady from New York.

Ms. SLAUGHTER. I appreciate your yielding.

I appreciate your giving us your assurance, but I do recall that Mr. MCGOVERN and I, both in our turns, asked last night for assurance that the bill that we were looking at was the bill we were going to vote on, and all we got was doublespeak. So, while I appreciate your giving me your assurance, I think I'll give it back to you.

Mr. DREIER. If I could reclaim my time, I will say again that I have served as long in the minority as JOHN DINGELL. I have served longer in the minority in this House, Mr. Speaker, than the dean of the House, JOHN DINGELL, has served, and I understand. I've served 18 years in the minority, and I

understand that it is challenging, and I respect that fact. To say that as we're dealing with the very end of this session that we're not trying to get to an agreement is a mischaracterization of where we are.

I've associated myself with the remarks of my friend from Rochester as it relates to our quest to ensure that we don't see the sequester take effect or that we go over the fiscal cliff, and to say that the package that we have that deals with the reduction of $238 billion over a 10-year period of time is, again, virtually identical to what passed this House. It has actually been reduced by 100 pages. It's much smaller than what was passed in May by this House, and I believe that it's a package that is, again, one that can responsibly be a first step towards something that we all know does need to be done. As I talk to Democrats, there is recognition that entitlement reform has to take place, and so I believe that that is the right thing to do.

With that, Mr. Speaker, I would like to yield 2½ minutes to my very good friend, a very, very strong budget hawk, my fellow Californian, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank my friend for yielding.

Mr. Speaker, the debate over the fiscal cliff has become so hyperbolic that I'm afraid we're losing touch with common sense.

Contrary to many press accounts and many statements by Members, there is no bill before the Congress that proposes raising taxes on millionaires or anybody else. There is a law that takes effect on January 1 that will raise taxes on millionaires and small businesses filing as millionaires and on everybody else, and there is a bill to protect everybody else from that law, which is the issue before us today.

The President says he wants to protect everybody except those greedy millionaires and billionaires. Well, that's precisely what this bill does, and yet he has vowed to veto it. The truth is he wants to sock everybody who is making over $200,000. Now, that includes 1.3 million small businesses filing under subchapter S. That's 84 percent of net small business income. That is precisely the income that they use to produce two-thirds of the jobs in our economy.

The Congressional Budget Office warns us that Mr. Obama's ''eat the rich'' crusade will actually result in throwing 200,000 middle class families into unemployment. Ernst & Young estimates 700,000 lost jobs.

House Republicans now have a choice in that we can try to save as many Americans from these ruinous tax increases as the President will permit or we can end up at an impasse that assures taxes go up on everyone. So let us pass this bill. If it doesn't work, then let's pass it at whatever level the President will agree to. It's not as if we haven't repeatedly warned him.

Some of my conservative colleagues say that sparing some people these tax increases is tantamount to raising them on others. For a lifeguard who sees 10 swimmers drowning off his beach, if he can only save nine of them, that doesn't mean he has drowned the 10th one. And no lifeguard would be worth his pay if he said, Well, my principle is that nobody should drown off my beach; therefore, as a matter of principle, if I can't save them all, then I won't save any.

As Americans watch as thousands and thousands of middle class jobs are sacrificed on the ideological altar of Obamanomics next year, I think this country will be a lot sadder and a lot wiser, but until then, let's save who we can.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished ranking member of the Committee on Ways and Means, the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. This is an important moment. These bills move the Nation dangerously closer to the cliff with only 11 days before our Nation would go over it. They make finding common ground far more difficult with only 11 days left to find it. These bills are not a plan; they're a ploy. They are bills to nowhere. They undermine trust so essential for agreement. We've just heard it.

The Republicans claim that letting the tax rate go up from 35 to 39.6 percent on income over $1 million is not a tax hike because it would happen on its own. But then they say that if the tax cut rate would go up on income below $1 million by happening on its own, it would be the biggest tax increase in history. That is patently inconsistent.

□ 1400

But far worse than the hypocrisy is the way they design their tax provisions. For those with income over $1 million, they provide a tax cut of at least $50,000.

They raise only one-third of the revenue contained in the Speaker's discussions with the White House and far less than proposed by the President. Talk about undermining trust.

It would raise taxes on 11 million middle class taxpayers—11 million—through their failure to continue the education credit, and they hurt millions of other middle class families with their failure to keep the improvements to the child tax credit and the earned income tax credit.

And there is stony silence, indeed stone-hearted silence, on 2 million unemployed workers looking for work who would lose their insurance immediately on December 29. And silence on the 27 percent cut to doctors treating Medicare patients.

And in a deeply cynical move, so cynical, the Republicans have decided to offer another bill to put off some of the sequester in defense. And they pay for it how? By deep and ugly cuts to important programs impacting seniors, kids, and disabled Americans.

The Republicans are tying themselves into knots. But in doing so, they're tying into knots the chances for our Nation not going over the cliff. Vote ''no'' on these bills that take us backwards, that undercut trust, that increase the chances of going over the cliff. This is not a plan; it's a ploy.

Mr. DREIER. Mr. Speaker, I'd like to inquire of my friend how many speakers she has remaining. It looks like she has a couple at least. I reserve the balance of my time, Mr. Speaker.

Ms. SLAUGHTER. I'd be happy to tell you. We expect four. I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the ranking member for the time.

Mr. Speaker, just when I thought the process in this House couldn't get any worse, last night in the Rules Committee the Republicans reached a new low. We originally were told that we were meeting on the Speaker's so-called ''Plan B'' tax bill, which continues the proud Republican tradition of protecting tax cuts for the wealthy at the expense of middle class families and poor people.

But then we were told there would be a new bill, some kind of magical mystery bill that was introduced in the middle of the hearing. Now I'm not sure what to call this one, Plan B.2.0 maybe? Plan C? The We-Don't-Really-Have-a-Plan Plan?

It turns out that the magical mystery bill is similar to the reconciliation bill the Republicans brought to the floor a couple of months ago. That bill was a bad idea then, and it's a bad idea now.

It cuts $36 billion from the SNAP program, taking food off the table of struggling Americans. Millions of households would see a cut in their benefits. Millions of families would have less food tomorrow than they do today. And hundreds of thousands of kids would lose their access to free school meals. That's the Republican idea of a Christmas present. It's enough to make Ebenezer Scrooge embarrassed.

The bill threatens Medicare, children's programs, education, infrastructure. In short, it threatens our economy as a whole. And at the same time, it not only protects the Pentagon budget, It increases it by billions of dollars. Does anyone here really believe there's not a single dollar to be saved anywhere in the Pentagon?

Mr. Speaker, the American people have spoken. They've made it loud and clear that they want a balanced approach. They want an approach that asks the wealthiest, the most fortunate Americans, to pay a little bit more, and that protects our seniors, our children, and our most vulnerable neighbors. But the Republican leadership of this House refuses to listen.

Mr. Speaker, let me say another thing about this process. I would say to my Republican freshman colleagues

that you rode to power on a wave of outrage over the way the House conducts its business. I remember the lectures and the promises and the things that you said would change. I would say to those freshmen: you own this now. You have officially become part of the problem, if not the problem.

A vote for this rule is a vote for an outrageous abuse of power and a vote against transparency and openness, and it's a vote against accountability.

Finally, Mr. Speaker, let me just say this. My Republican friends have made it unfashionable to worry about the poor and the elderly and the vulnerable. That's crystal clear in the text of what we're debating here today. I urge my colleagues not to turn your backs on the most needy. Let's balance our budget in a way that doesn't lower the quality of life or decrease the standard of living for people of this country. We can do so much better. Instead of doing this, you should be negotiating with the President. Go back to the negotiating table and stop the games.

Mr. DREIER. Mr. Speaker, at this time I'm happy to yield 5 minutes to my friend from Lawrenceville, Georgia (Mr. WOODALL), a very hardworking, thoughtful member of the House Rules Committee.

Mr. WOODALL. Mr. Speaker, I thank my chairman for yielding me the time.

I came down here to talk about tax policy and my support for the rule, Mr. Speaker; but I've got to tell you, when folks back home ask me what's wrong with this place, I'm going to start playing them a clip of this debate because there's a serious topic on the floor right now. This fiscal cliff, I don't think there's a man or woman in this room with a voting card who doesn't believe this is a serious issue for our economy, for working families, and for small businesses that we're counting on bringing us out of this recession. I believe every man and woman in this room believes that.

And yet as we're down here trying to have that discussion, in the short 11 days we have left to sort that out, I hear that our tax package, which does exactly what the President has asked, though not the levels that he asked for it, it picks winners and losers. He campaigned on that platform. I think it's wrong. I think we ought to keep tax rates low for everyone, but the President says no. The President says we ought to pick some folks who win and some folks who lose, and this tax bill does that. But it just deals with taxes because, as my friend from Massachusetts reminded me, when I ran as a part of this freshman class, I said let's try to make things more simple here. Because we all know what happens at the end of the year. Anybody who's watched this process in December knows those Christmas tree bills that come rolling to the floor where you handle 100 different unrelated things at one time.

Well, Mr. Speaker, I'd be interested in polling folks who don't have a voting card. I'd be interested in knowing what folks who've listened to this debate believe is happening in this underlying tax bill, because I've been told by some of the speakers on this floor that this tax bill throws Americans off unemployment; when, in fact, it does no such thing. No such thing.

Do we need to deal with unemployment? Yes, we do—in an unemployment bill.

I've been told that this tax bill cuts payments to doctors. It does no such thing. There's not one line in this bill that does any such thing. Do we need to deal with Medicare and SGR? Of course we do.

Do we need to jumble all of these things together in a straightforward tax bill? The answer's no.

I'm told by my friend it's not just stony silence on these issues; it's stone hearted to be silent.

Who is it, Mr. Speaker, who believes it advances the debate, this hard, complicated debate we have, who believes we advance it by calling the absence of a nongermane provision stone hearted on the part of the authors? Don't tell me about violating trust. Don't tell me about how it is folks ought to work cooperatively together. We have that opportunity right now, and folks are throwing it away line by line by line.

My friend from the Rules Committee comes to the floor, Mr. Speaker, and he says this bill throws folks off food stamps. Nonsense. Nonsense.

Every single time I go to the town hall meeting, Mr. Speaker, folks believe if only we eliminate the fraud in government, we'll balance the budget. Now, due to spending that both sides of the aisle are responsible for, we're way far out of balance. Fraud won't do it, Mr. Speaker. That's not going to be enough.

□ 1410

But what the underlying bill does to request to eliminate the defense sequester cuts that President Obama's Secretary of Defense has called so dangerous, it says the only people who should get food stamps are people who qualify for food stamps. That's right. The underlying bill says the only folks who should get food stamps are those who qualify for food stamps.

Now, it turns out, Mr. Speaker, like every Federal program, there's some fraud, and so some folks are receiving taxpayer-sponsored benefits today who have not earned them, who do not find themselves entitled to them by virtue of their circumstances. And because this underlying bill aims to eliminate that fraud, folks come to the floor and say, Why in the world are Republicans throwing hungry people out during Christmas?

It's outrageous, Mr. Speaker, that we can't have a conversation about serious things in a serious time. The outrages that my colleagues on the Rules Committee point to from last night, I tell you, Mr. Speaker, what happened last night is exactly what I would hope would happen in a conversation like this.

Almost to a person, every Democratic member in that Rules Committee and those testifying said, All we have in front of us tonight is a tax bill. All we have in front of us is a tax bill, and every American knows the problem isn't taxes. The problem is too much spending. Where are the spending cuts?

And so the Rules Committee staff went to work immediately, Mr. Speaker, and found a package, not that had never been seen before, not that had never been read before, not that had never been vetted before, but one that had passed this body in a bipartisan way.

They said, You know what? The criticism from my colleagues is right. We do need to do this, and we did.

The SPEAKER pro tempore (Mr. WOMACK). The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield my friend an additional 30 seconds.

Mr. WOODALL. I thank my chairman for the additional time.

There is a sense out there in this country that folks in Washington, D.C., just want to argue about things, that they don't want to solve anything at all.

You all made absolutely accurate criticisms last night that I'm glad we took steps to correct. We have a straightforward tax bill today. We have a straightforward sequester replacement bill today.

Mr. Speaker, this isn't the wrong way to do things; this is the right way to do things. And with only 11 days left to prevent all American families from having an unprecedented tax increase, let's pass these bills. Let's pass this rule. Let's get to debate on the underlying resolutions.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the distinguished ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. I thank the gentlelady for yielding.

Mr. Speaker, I rise in opposition to this rule and the underlying legislation. This measure punishes working families just to deliver more tax breaks for the wealthy.

Under this legislation, those making over $1 million a year will receive an average tax cut of $50,000. That is not the 1 percent. It is the top one-third of the 1 percent. Meanwhile, 25 million working families will pay an average of $1,000 more in taxes.

For those families that are struggling to find work in this difficult economy, this bill is equally bad. Two million Americans will lose unemployment benefits next month, pushing them out into the cold.

Retirees and seniors will also be hurt. With a 27 percent cut in Medicare payments, 50 million seniors will see their health care endangered.

Mr. Speaker, what the American people are watching right here right now

is a tragic comedy, because the other side knows quite well that, even if this legislation passes the House today, it is going nowhere. So here we are, with time running out, rather than coming up with real compromise, we are playing another game of political charades. That is not what the American people want us to do.

I urge my colleagues, reject this bill so we can come up with a solution that becomes law, addresses our fiscal challenges while protecting working families.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentlewoman from New York has 14½ minutes remaining.

Mr. DREIER. So I think the gentlewoman from New York (Ms. SLAUGHTER) might want to exhaust some of the speakers she has.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady, the ranking member from the Rules Committee, and I thank the chairman of the Rules Committee.

Mr. Speaker, when I mention the words Hurricane Sandy and the tragedy in Newtown, Connecticut, many would wonder what do they have in common? The enormous gun tragedy, a loss of 26 lives, and Americans suffering from a devastating storm. Certainly our hearts go out for those babies who were lost. But it really speaks to Americans in need. And I guess that's why I'm so troubled to be on the floor today, because the framework that we have says to America that when you're in need, we will not, as this Congress and as this government, be prepared to help you.

I think what is disappointing—and I know for the Speaker it is probably the same case as I'm speaking, because just about 3 days ago we thought there was a deal between the White House and the framework that was offered and the leadership of this House. It's disappointing that, in the course of a couple of days, we've come to a situation where this plan, Plan B, raises only about $300 billion from high-income households, and the Center on Budget Priorities suggests that millionaires will get $108,500 per million, over $1 million in tax cuts.

But what will the middle class get?

Plan B allows the old pre-Bush—or Bush tax cuts to continue the itemized deductions for the rich, giving them more opportunity to keep their money. In fact, we will lose $400 billion, under this plan, in high-income revenues. Disappointing.

But at the same time, there is a thought that we should cut Social Security by changing the way Social Security is calculated, so that if a senior buys cheap food, that means they need cheap Social Security, and we cut their Social Security benefits because we thought there was a deal. I can't agree with that at all, cutting Social Security, and I can't agree with recalculating how a senior gets their check.

But I will tell you that this plan raises taxes rather than reduces it, as the President wants to do, as this House of Democrats wants to do, as the Senate bill, where 180-plus Democrats have signed. This raises taxes $1,000 on 25 million working families.

And then there is a mysterious bill that, I guess, suggests that we are in the business of making cuts. But you know what that will do?

And by the way, there's no sequester plan in this plan that is here. It cuts education, research, and national security; but it also cuts the hardworking Americans who are yet employed, and it cuts off 2 million of them, unemployment insurance. It cuts out doctors.

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

Ms. SLAUGHTER. I yield the gentlelady another minute.

Ms. JACKSON LEE of Texas. I thank the gentlelady.

Twenty-seven percent.

Mr. DREIER. Mr. Speaker, may I ask my friend to yield? I will yield her an additional 30 seconds.

Ms. JACKSON LEE of Texas. I will be happy to yield to the gentleman.

Mr. DREIER. I just wanted to inquire. I didn't understand this ''there is no sequester here.'' We're dealing with the threat of a sequester, and our idea is $238 billion in spending reductions within the reconciliation bill that passed the House last May is what we're including. So I just didn't understand, if I could just ask my friend.

And I'm happy to yield her an additional 30 seconds, Mr. Speaker.

Ms. JACKSON LEE of Texas. I thank the gentleman for his inquiry.

When we started out with the Plan B, there was no sequester plan. Obviously, there was a mysterious offering last evening.

Mr. DREIER. If the gentlewoman would further yield, let me just say that there is a plan to respond to the sequester, and that is the $238 billion reduction over a 10-year period of time that is the reconciliation bill that was passed by the House last May.

Ms. JACKSON LEE of Texas. Reclaiming my time, I thank the gentleman.

In the original Plan B that I assume the Rules Committee was to address last evening through the distinguished chairperson, there was no sequester plan. We were in a posture of cutting education and research.

Yes, you are right. In the creative work of your staff, as you said right here on the floor of the House, late into the night you found the reconciliation that had been addressed in the summer, I believe, and all of us, a lot of us, voted against it.

□ 1420

All of us voted against it, and we understand that that plan will have no traction in the United States Senate. I thank the gentleman for his work, but what I'm suggesting is there is no sequester plan. There was no sequester plan with the Plan B. And as I was saying, if I can quickly go back, Madam Ranking Member, without this plan, what we leave in place with Plan B, which really troubles me, coming from the Texas Medical Center and meeting with the hospital before I left Houston, it cuts reimbursements for doctors seeing Medicare patients by 27 percent. Fifty million Americans will then have their health care in jeopardy. It cuts nutrition plans, food stamps. There is no plan.

My quiet comment, Mr. Speaker, as I close, it is in disappointment. It is not in shrill debate. It is simply in disappointment. Because we have Americans who are looking to us to work with the President, to work with the Speaker, to go forward on the plan that was offered on Monday—at least for us to debate—and to find a way to be able to respond when people like those victims of Hurricane Sandy and Newtown, Connecticut, call on us. That's all I'm asking my colleagues, is that you work with us.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say that it has been said here before that the bill that mysteriously appeared last night had passed the House in a bipartisan way. Let me point out it was bipartisan opposition. No Democrat voted for it and 16 Republicans voted ''no.''

I am pleased to yield 1 minute to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, I rise in opposition to this rule and the underlying bills.

In the dead of night, 5 days before Christmas, House Republicans released legislation that they are rushing to the floor to gut funding for health care, food assistance, and other vital social services. Christmas is a season of giving, but sadly, Republicans are taking—taking food off the table for millions of American families that are struggling in these tough economic times by cutting food assistance by $36 billion, taking the unemployment lifeline away from more than 2 million Americans who are trying to get back on their feet, and taking funding away from block grants that provide protective services for abused children. Why would Republicans insist on taking so much away from our families during this holiday season? So they can give an average $50,000 tax break to millionaires.

I urge my colleagues to stand up for millions of children, workers, and families that are facing a real cliff. Vote ''no'' on the rule and the bills.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to a very thoughtful colleague from the Ways and Means Committee, Mr. TIBERI.

Mr. TIBERI. Let's review real quick here for everybody. We have a fiscal cliff occurring at the beginning of next year—12 short days. That means taxes go up for everybody who pay taxes and across-the-board spending cuts. The Democrat alternative, the Levin bill, was rejected on a bipartisan basis earlier this year. Our preferable bill has been rejected in the Senate. The Speaker and the President have been talking, but the President hasn't been serious. Not a dollar for cuts and a dollar for revenue.

Today is an attempt to try to save most Americans, Mr. Speaker—99.8 percent of Americans—from seeing their taxes go up. Three-quarter of a million small business owners will see their taxes go up if this plan isn't passed versus the Levin bill. Those three-quarter of a million small business owners employ many, many tens of thousands of people in America who are the middle class.

The bill before us is a comprehensive bill. Mr. Speaker, it gives us certainty. In the Ways and Means Committee we've heard testimony after testimony from business owners, Give us certainty. The Democrat alternative is a year. It's not even comprehensive. It doesn't even include the estate tax. We'll be right back here again December of next year for the 1-year patch. This gives us certainty. This gives employers certainty. This gives jobs creators certainty. It gives Americans who pay the alternative minimum tax certainty that they won't ever pay it again.

Mr. Speaker, this is the right medicine for 99.8 percent of Americans to prevent them from seeing their taxes go up on January 1. And it gives us an opportunity the next session of Congress to provide comprehensive tax reform that will simplify our Tax Code, that will give us even more certainty, and more competitiveness to our employers so the middle class can grow and prosper and we can improve our economy.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, and I appreciate the time and the opportunity to speak on this measure.

I'm concerned about the fiscal cliff. And it's important. President Obama has tried to work with the opposition party and has gone from what he was elected on—increasing taxes, for fairness, on families earning over $250,000—to $400,000. But no, that wasn't enough. This proposal goes to a million dollars a year. Now $400,000 is plenty comfortable. The President's gone a long way. The fact is that there's a lot of revenue that's being lost between $400,000 and $1 million. We need that revenue to rectify some problems in our society, of which there are still many.

This bill would cut funding for the National Institutes of Health. That is our physical cliff. And I want to talk to you how this fiscal cliff affects the physical cliff. The National Institutes of Health is the agency that comes up with research dollars that allows our lives to be extend and bettered. At Duke University there is a great lung transplant program, headed by Dr. Robert Davis. Duke needs more money to perfect their lung transplant program that's the best in the country. But still, it's only a 50 percent chance that a person will live 8 years with a lung transplant because the transplanted lung tends to be rejected. They don't know why. They need know find out it. It's National Institutes of Health funds that will find out and give people a chance to breathe and live.

In my hometown of Memphis there's research at the Methodist Hospital. We have Dr. James Eason, one of the finest liver transplant doctors in the country. But throughout the country there are people in places like St. Jude Children's Research Hospital in Memphis finding cures for childhood cancers and childhood catastrophic illnesses. This bill cuts funds to the National Institutes of Health. They should not be cut ever. They should be increased. And some of the funds that they are missing are the funds that will go to people earning over $400,000 and up to $1 million that tax relief is being given to. They don't know right now that they might not be the people that need that lung or that liver transplant or some other medical science cure or discovery. But there are people out there in the lottery of life that will. This bill doesn't take that into consideration.

Any bill that cuts funds to the National Institutes of Health will eventually cut people's lives short—and the quality of their life—because it's through research funded at the National Institutes of Health that we find these cures and these new procedures. Doctors need to be paid, hospitals need to be paid, research needs to be undertaken.

I believe the President has gone a great distance on the fiscal cliff to get to $400,000. He's even talked about cutting some programs that deal with the most vulnerable people, the poorest, on Social Security cost-of-living increases, which I oppose. But the President has tried. I hope that this bill fails and we deal with the President in a responsible way and avoid the fiscal and the physical cliff.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 1 minute to a great member of the Appropriations Committee, our hardworking friend from Savannah, Georgia, Ann's father, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman from California.

Mr. Speaker, the President owns this economy. He owns the high unemployment rate—the 23 million Americans who are unemployed or underemployed. He owns the lack of jobs, lack of opportunities. He owns the $750 billion annual deficit that he has had for the 4 years. It is time for the President to step up.

□ 1430

Now, knowing that this fiscal cliff was going to take place for well over a year now—in fact, people have seen it coming long before then—the President has not acted in good faith and put alternatives on the floor for us to vote on.

What we're doing here today is three things. Number one, we are moving a centralized negotiation back to where it should be, a decentralized basis so that 435 House Members can vote, can speak on it and express their opinion. Now, hopefully, beyond that, the Senate can take it and amend it and change it and do whatever they want, but this debate belongs inside the United States Capitol. What the Speaker is doing today is giving us that opportunity.

Last year, we heard so much about the 99 percenters. This is going to give tax relief to those 99 percent, and it's permanent. I know how long it's taken us to do something with the death tax. That is in this bill.

This is good for the economy. It's good for economic growth, and I urge a ''yes'' vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I can't say it enough, today's legislation is a step backwards in the effort to find a fiscal cliff compromise. Plan B, Plan C, neither one of them are serious proposals but a gimmick designed to get headlines. By using the Halls of Congress to play political games, the majority is making it harder to find a commonsense and bipartisan solution to the impending fiscal cliff.

The time for these games is over. It's time that the majority comes to the table with a serious proposal that reflects the wishes of the American people.

Nobody wants to see the taxes raised on 25 million working families. As I said earlier, they seem to be called upon to pay the price for the fiscal irresponsibility of the financial district.

The American people don't want to see hundreds of thousands lose access to nutritional programs, and I sure can tell you that they don't want to see Wall Street reforms repealed and the historic health care law dismantled, but all these things would happen if this bill before us became law.

I strongly urge my colleagues to reject the gimmick proposal before us today and return to the serious work of balancing our budget while protecting the poor and the working class.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to this rule to make in order an amendment which will allow the House to have a chance to vote on the bill passed by the Senate to extend the middle class tax cuts to all persons making less than $250,000, which has been introduced in the House as H.R. 15. Also, the amendment would prevent the House from adjourning until we have averted the fiscal cliff and the President has signed legislation to prevent tax increases on the middle class.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. So, Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question, and vote ''no'' on the rule and certainly on the underlying bill.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that we all know we're 11 days away from going over the proverbial fiscal cliff. We are trying our doggonedest to make sure that a sequester doesn't go into place. We all know that Secretary Panetta has said that that would be a devastating thing for our Nation's security.

I think that discussions taking place between the President of the United States and the Speaker of the House of Representatives are very important. I also think it's important for every Member of the House to have an opportunity to state where they stand on these issues.

The bill before us is one which actually has, again, basically enjoyed bipartisan support. I remember when Senator SCHUMER made it clear that he believed that there should not be any increase for anyone who earns under $1 million. That was a request that he said. I know there was a lot of discussion within the Democratic Caucus as to exactly what that level should be. Well, this is at the level that Senator SCHUMER had indicated that he supported earlier on.

I've got to say to my friend from Rochester, Mr. Speaker, we are not planning to adjourn. We want to address this issue. We want to do everything that we possibly can, Mr. Speaker, to resolve this just as quickly as we possibly can.

We're just a few days away from Christmas. We are obviously still here working. We're prepared to come back after Christmas. Sadly, many of our colleagues are going to the funeral of Senator Inouye. That service that will take place in Hawaii has created a challenge for us when it relates to the schedule itself.

We understand that this is a difficult time, but we need to work together to put into place pro-growth economic policies. I think that there is, as I said in my opening remarks, a bipartisan quest to do that. I congratulate the President for his call for reduction in the corporate tax rate from 35 percent to 25 percent. Real tax reform is something we've been trying to do for a while and I think can be done in a bipartisan way. Real entitlement reform that does not hurt our fellow Americans is something that can be done in a responsible way.

So I will simply say that this is not a perfect process, but it's an end-of-the-session process that's going on right now to deal with a tough, tough situation. We don't want our fellow Americans to be hurting, especially at this time of year as we look towards the Christmas holidays. I believe that we can see an agreement which will work to ensure that that does not take place.

So, Mr. Speaker, I urge my colleagues to support the rule, support the underlying legislation, both the tax issue and the effort to ensure that we don't see a sequester take place to bring about $238 billion, as the House passed it last May, of spending over a 10-year period of time. This is the right thing for us to do to get on a path that can provide certainty, which we all know is necessary.

So I urge support of the rule, and I urge support of the underlying legislation, both bills.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 841 OFFERED BY MS. SLAUGHTER OF NEW YORK

In section 1, strike ''The previous question shall be considered as ordered on the motion to its adoption without intervening motion.'' and insert ''The previous question shall be considered as ordered on the motion to its adoption without intervening motion except a substitute amendment consisting of the text of H.R. 15, if offered by Representative Levin or his designee, which shall be considered as read, shall not be subject to any point of order, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent.''

At the end of the resolution, add the following new section:

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed legislation to prevent a tax increase on the middle class, and to avert the so-called ''fiscal cliff.''

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. With that, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 841 will be followed by 5-minute votes on adoption of House Resolution 841, if ordered; ordering the previous question on House Resolution 840; and adoption of House Resolution 840, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 184, not voting 14, as follows:

[Roll No. 639]

YEAS—233

Adams	Amodei	Bartlett
Aderholt	Austria	Bass (NH)
Akin	Bachmann	Benishek
Alexander	Bachus	Berg
Amash	Barletta	Biggert

Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—184

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)

NOT VOTING—14

Culberson
Grimm
Hinchey
Johnson, Sam
Jones
Larson (CT)
Lowey
Mica
Reyes
Richardson
Rivera
Shuler
Woolsey
Yarmuth

□ 1457

Ms. ESHOO, Messrs. GEORGE MILLER of California, HOLT, BRADY of Pennsylvania, and Ms. SCHAKOWSKY changed their vote from ''yea'' to ''nay.''

Messrs. AMASH, JORDAN, and HUNTER changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, on December 20, 2012, I was not present for rollcall vote 639. If I had been present for this vote, I would have voted "nay" on rollcall vote 639.

The SPEAKER pro tempore. The question is on the resolution.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 197, not voting 15, as follows:

[Roll No. 640]

YEAS—219

Adams
Aderholt
Akin
Alexander
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—197

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson Lee (TX)

Johnson (GA)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Landry
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Massie
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Burton (IN)
Carnahan
Chaffetz
Clay
Culberson
Grimm
Hinchey
Johnson, Sam
Lamborn
Lynch
Mica
Reyes
Richardson
Rivera
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1505

Mr. FRANKS of Arizona changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 840) providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 12, as follows:

[Roll No. 641]

YEAS—233

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—186

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—12

Culberson
Grimm
Hinchey
Johnson, Sam
Mica
Reyes
Richardson
Rivera
Ross (AR)
Shuler
Waters
Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1512

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 11, as follows:

[Roll No. 642]

AYES—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus

Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Culberson
Grimm
Hinchey
Johnson, Sam
Mica
Paulsen
Reyes
Richardson
Richmond
Rivera
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to make votes the afternoon of Thursday, December 20, 2012 due to my attendance of a funeral and a delayed return flight. Had I been present, I would have voted "yea" on rollcalls 639, 640, 641 and 642.

TO TAKE CERTAIN ACTIONS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT AND FOR OTHER PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–158)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designation of the Federation of Saint Kitts and Nevis (St. Kitts and Nevis) as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a ''high-income'' country, as defined by the official statistics of the International Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of the GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate the designation of St. Kitts and Nevis as a beneficiary developing country under the GSP program because it has become a high-income country as defined by the World Bank. Accordingly, St. Kitts and Nevis' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, *December 20, 2012*.

CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. MCKEON. Mr. Speaker, pursuant to House Resolution 840, I call up the conference report on 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 ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 840, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 18, 2011, at page H6869.)

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, since both the gentleman from California and the gentleman from Washington signed the conference report, it is clear they are supporters of the conference report. So I claim the 20 minutes that is allotted for someone in opposition when both majority and minority are in support.

The SPEAKER pro tempore. Does the gentleman from California support the conference report?

Mr. MCKEON. I do.

The SPEAKER pro tempore. Does the gentleman from Washington support the conference report?

Mr. SMITH of Washington. I do, yes.

The SPEAKER pro tempore. Under clause 8(d)(2) of rule XXII, if the managers both support the conference report, then another Member may claim

one-third of the time allotted for debate thereon.

The Chair will recognize the gentleman from Massachusetts to control 20 minutes in opposition to the conference report.

The gentleman from California is recognized.

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

Mr. Speaker, I rise today in support of the Fiscal Year 2013 National Defense Authorization Act Conference Report. As you know, the NDAA is the key instrument by which the Congress fulfills its primary constitutional responsibility to provide for the common defense.

□ 1530

This year will mark the 51st straight year we've successfully completed our work. We have long prided ourselves on our ability to reach across the aisle and build strong bipartisan legislation on behalf of our troops. This year is no exception.

The bill authorizes $552.2 billion for national defense and $88.5 billion for overseas contingency operations. In fact, though our troops are at war and a significant share of our equipment inventory is exceeding retirement age, this year's funding is a reduction in real terms from last year.

Recognizing the magnitude of the cuts imposed upon the military over the past year is important. We must acknowledge the significant contribution defense has already made to deficit reduction. Half of the savings has come out of defense, even though the defense accounts for only 17 percent of the overall budget.

Yet in a matter of days, sequestration will go into effect and, without further action, will do incredible injury to a military that took generations to build. It will take generations to fix. And the blow will not come from an enemy, but from our own inability to fulfill the basic obligations of governance. That is why I am pleased that today the House not only considers this critical piece of legislation, but will also vote—once more—to stop sequestration. It's imperative that both the President and the Senate show similar leadership and resolve sequestration before the end of this year.

Despite these challenges, this conference agreement ensures that we can safeguard military readiness in a time of declining budgets and increased strains on our Armed Forces. We support missile defense, global strike, strategic and tactical airlift, and were able to preserve critical military capabilities. The bill supports pay and benefits for our military and their families, including a 1.7 percent pay raise, and rejects administration proposals to significantly accelerate increases in TRICARE pharmacy copays for our retirees.

Unfortunately, there has been some inaccurate reporting regarding our detainee provisions. The protections included in the House-passed bill have been preserved in the conference agreement, and we worked closely during the conference negotiations with our House colleagues, who exercised leadership on this issue, to ensure that we retain their support. We did not include an amendment adopted 2 weeks ago on the Senate floor because we could not reach consensus on what the effect of the language would be.

Rest assured, this conference report ensures that every American's constitutional rights, including the right to habeas corpus, remain unaffected, and every American can challenge the legality of their detention in Federal court. The ''great writ'' of habeas corpus is a citizen's most fundamental protection against unlawful deprivations of liberty. This reflects a consensus built after exhaustive debate over several years in both Chambers.

The conference report covers many more critical issues, but I will close in the interest of time. Before I do, I would like to thank all our Members for their hard work, but in particular, my partner on the committee, Ranking Member SMITH from Washington.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself 3 minutes.

I, too, rise in support of the conference report. I want to particularly thank Chairman MCKEON, Senator LEVIN, and Senator MCCAIN, who worked with us to get this product, as well as all the members of the committee and staff. We truly did work on this in a bipartisan fashion. I don't think there's a single one of us that's completely happy with everything that's in this piece of legislation, but that's the nature of compromise and working together to get something done.

We need to pass a defense bill to support our troops and to get our troops the pay raise and the support that they need. So to get there, we have to work past our differences in order to come up with a product that we can vote for. We did that. It's proof that the legislative process can work.

This is a critical piece of legislation. First and foremost, it prioritizes support for our troops and their families. We have to remember that we still have over 60,000 troops deployed in combat in Afghanistan. Making sure that they have the equipment, supplies, and support that they need to do the job that they're being asked to do is our number one priority.

I'm pleased that we have a 1.7 percent pay raise included in this bill and pleased that we continue to support the effort in Afghanistan. I'm also pleased that we have language in this bill that makes it clear that it is time to end that mission in Afghanistan and bring our troops home as soon as we responsibly can. I believe that is also a critical priority going forward.

There are other critical provisions of this bill. Once again, the Senate added language to ramp-up sanctions against Iran to keep the pressure on them to, hopefully, discourage them from developing a nuclear weapon. That is a critical piece of legislation.

We also have in here reform to our satellite export regime. The cumbersome nature of that regime has significantly harmed the U.S. satellite industry. We've gone from having 65 percent of that market worldwide to less than 25 in the last 15 years. Getting back to a competitive place with that industry is critical to our national security. Those are companies that we're going to depend on to provide us the best equipment to best protect this Nation. That change is very welcome.

I am still disappointed in where we are at on Guantanamo Bay and detainee policy. This bill, again, though only for 1 year, not permanently, as they proposed in the Senate—I'm pleased that we were able to do that—tie the President's hands in how to deal with the people at Guantanamo Bay. We need to close Guantanamo and have the President have the freedom to deal with the inmates there in a way that is consistent with our values, our laws, and our Constitution.

We also do not fix the detainee problem. The chairman is correct. We once again state, basically, that if you have rights, you have rights, but we still hold open the possibility of indefinite detention of people on U.S. soil. I think that is wrong. I think that is something that we should change.

I will also disagree that habeas corpus is the highest form of protection for our rights. It is more like the last resort. It's the one thing that under no circumstances we can take away from you. The highest protection of individual rights is our Constitution and our article III courts that provide full due process and full rights to everybody facing criminal charges. So I hope we will fix that at some point.

Overall, this is a good bill that does one of our very important tasks here in Congress—to provide for the common defense—and I urge support of the measure.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I intend to reserve most of the time for myself, but I have shared with the ranking member of the Armed Services Committee, who's done a very good job and had some commitments, and I'm yielding to some people as a proxy for him, but I will begin by yielding 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I want to thank the gentleman from Massachusetts for yielding.

Mr. Speaker, while I very much appreciate all the work of Congressmen McKeon and Smith on this bill, I rise today because I strongly oppose allowing plans to significantly cut the Air National Guard embodied in this bill. I worked on a bipartisan basis to block these cuts because I strongly believe that, before an irreversible decision is made, we must have the strategic and

cost benefit justification. This 11th-hour proposal still does not provide that justification and should not move forward.

The Iowa National Guard's 132nd Fighter Wing, for instance, is one of the most cost-effective and experienced units in the country. These men and women served our country and stayed honorably and they deserve better, yet this bill will allow their F–16s to be retired and positions cut without explanation for how it serves our national security or the taxpayers of America.

I strongly oppose this decision, which is why I did not sign the conference report and, for the first time since I've come to this office, will oppose the National Defense Authorization Act this year.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise an extend their remarks and insert extraneous material on the conference report to accompany H.R. 4310.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. I yield such time as he may consume to my friend and colleague, the chairman of the Subcommittee on Tactical Air and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

□ 1540

Mr. BARTLETT. I rise in support of the conference report for the National Defense Authorization Act for fiscal year 2013, the 51st consecutive conference report for this committee and the National Defense Authorization Act.

I have had the honor of serving as the chairman of the Tactical Air and Land Forces Subcommittee of the Armed Services Committee. Under the full committee leadership of Chairman MCKEON and Ranking Member SMITH, the support of SILVESTRE REYES, our subcommittee's ranking member, and a truly superb staff, ours is a really bipartisan effort.

Our first priority and immediate requirement has continued to be to fully support our personnel serving overseas in Afghanistan and the many other countries where we have asked them to serve under the daily constant threat of their personal survival. We have worked diligently to support the armed services and provide additional resources to support the warfighter. This conference report properly reflects these immediate requirements.

Consideration of this conference report comes during a continued period of critical challenges to our national security—from the rapidly growing national debt, cybersecurity threats, and across the threat spectrum to include security of chemical weapons stockpiles and proliferation of nuclear weapons.

The Nation's fiscal circumstances and world events continue to challenge our government's will and capacity to constructively address the enormity of the challenges we face. The challenge is to develop an effective National Military Strategy that matches available resources and reflects the current and projected threat and fiscal environment. A fundamental objective appraisal of the national strategy is needed to enable the committee's full and balanced consideration of force structure and equipment investment plans and programs.

I am concluding my service to Congress. It has been my great honor to serve our servicemembers and their families, the people of Maryland's Sixth District, this committee, and the House of Representatives for 20 years now. It has also been my honor to put national security interests first in my service to the Armed Services Committee.

I strongly urge all of my colleagues to support the National Defense Authorization Act conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation and commend Mr. MCKEON and Mr. SMITH for their leadership in making it happen.

Most importantly, this legislation takes care of the people most important to us—the men and women in uniform who will receive a pay raise under this legislation.

Second, it maintains our competitive edge in technology as we look for new ways to defend our country and improve our situation around the world.

Third, I believe very strongly this bill affirms the Constitution of the United States; makes it clear that nothing in any statute, including this one, in any way subverts or undercuts the Fifth Amendment due process rights of any person under any circumstances. For these reasons, I would urge my friends both on the Republican and Democratic side to vote ''yes.''

Mr. FRANK of Massachusetts. Mr. Speaker, continuing to yield according to the arrangements of the gentleman from Washington, the ranking member, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to this conference report. While the report is an improvement over the House bill, it still falls short of where we need to be on the question of detention without trial. Nonetheless, I do want to commend the gentleman from Washington for his conscientious work on this and other aspects of the legislation.

As a Nation, no matter what adversity we have faced we have done so as Americans. We have united behind the values and freedoms that gave birth to this Nation and that have made it a moral force in the world. In the last decade, however, we have begun to let go of our freedoms bit by bit, with each new Executive order, each new court decision, and yes, each new act of Congress. We have begun giving away our rights to privacy, our right to our day in court when the government harms us, and with this legislation we are continuing down the path of destroying the right to be free from imprisonment without due process of law.

The conference report states that:

> Nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for fiscal year 2012 shall be construed to deny the availability of the writ of habeas corpus or to deny any constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

This language simply continues the flawed policies established in the 2011 defense authorization bill. First, it applies only to ''any person inside the United States.'' That is important, but most of the debate on indefinite detention without charge and on the lack of due process has to do with people held by our government outside our borders—including, potentially, U.S. citizens.

The language in this bill, combined with the prohibitions against moving these detainees into the United States, guarantees that we will continue holding people indefinitely without charge—contrary to our traditions of due process and civil rights.

Second, this text continues the claimed authority of the United States Government to hold even U.S. persons captured on United States soil indefinitely and without charge. Some people may take comfort in the provision that states that those of us entitled to certain rights prior to the passage of the AUMF and of last year's defense authorization bill continue to have the same rights afterwards. But this bill does not say who among us are fortunate enough to have those rights, nor does it tell us what those rights might be. It does not specify how the executive branch is to determine which of us are entitled to these constitutional protections and which of us are not. And it does not provide us with recourse if the President gets it wrong.

Although I am urging a ''no'' vote on this conference report, I do want to acknowledge that, despite these very real problems, there are things in this bill that are important and that deserve Member support. For example, Senator SHAHEEN's amendment to allow servicemembers and their dependents to

obtain abortions in military hospitals in cases of rape and incest rights a terrible wrong. But we must take great care. Our liberties are too precious to be cast aside in times of peril and fear. We have the tools to deal with those who would attack us. We do not need to surrender our liberty.

Because of this momentous challenge to the founding principles of the United States—that no person may be deprived of liberty without due process of law—this bill should be rejected.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the vice chairman of the Armed Services Committee and the chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. First, let me commend the chairman, the ranking member, and all the staff members for getting us here.

Unfortunately, it is all too rare for the House to consider a bill with over 140 amendments on the floor here, have it passed, have a bill pass the Senate, go to a conference committee, and then have the conference report come back out to go to the President. It is all too rare, but if it's going to happen, it ought to happen on a bill dealing with the country's national security, and obviously that's what this bill does.

Mr. Speaker, I think this is a good bill that makes significant progress in a number of areas. From the Emerging Threats and Capabilities Subcommittee, which I'm pleased to lead with Mr. LANGEVIN, the distinguished gentleman from Rhode Island, we enhance oversight of cyber-operations in this bill, although we both acknowledge there is much more work to be done in the field of cyber. We meet some of the unfunded requirements of our special operations forces. We take steps to improve the management of our science and technology programs. And there are improvements to acquisition of information technology, which is an increasing challenge to the Pentagon because it does not fit within our normal acquisition methods.

Finally, Mr. Chairman, I would just comment briefly. The gentleman from New York read the provision in this bill that deals with detention. It is absolutely true that this bill affirms yet again that the original Authorization for the Use of Military Force passed in 2001 or last year's NDAA does not change the basic constitutional rights to which all persons in the United States are entitled. Now, it may be that there are some people who are unhappy with those basic constitutional rights; they think it should be more, or they think the Supreme Court has misinterpreted some of those rights. That is a different debate.

□ 1550

But there has been a fair amount of misinformation on this point, and I think for all Members who are concerned about this issue who get questioned about this issue, just read the language which says nothing changes those basic constitutional rights.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Chairman MCKEON, I thank you and, of course, Ranking Member ADAM SMITH.

I rise today, Mr. Speaker, in support of the conference report for H.R. 4310. This defense bill conference report works to ensure that our men and women in uniform are well trained and equipped through the authorization of $176 billion in operation and maintenance funding, plus $62 billion for overseas operations, including Afghanistan.

The conferees have restored 77 aircraft and 3,313 people to the Air Force's force structure, mostly in the Air National Guard and the Air Force Reserve, to ensure adequate resources are available to the States and the territories to respond to mobilizations, homeland defense and disaster-assistant missions. I am personally pleased that the conferees did not allow the retirement of Block 30 Global Hawks, which provide critical ISR capability.

I am particularly pleased that the conference report authorizes the Secretary of Defense to establish a program to provide space-available transportation to Active Duty servicemembers and their dependents and Reserve component members and others at the Secretary's discretion.

While I am disappointed that the conferees authorized percentage reductions in the DOD civilian workforce, I expect the Department to implement these reductions in compliance with the statutory requirements for a balanced workforce sized to meet mission requirements, workload, and to mitigate risks in operational readiness.

Most importantly, Mr. Speaker, this conference report takes a major step toward loosening restrictions on the obligation and the expenditure of U.S. and Government of Japan funds to support the military buildup on Guam. I believe that this bill sends a strong message that the United States remains committed to providing resources to refocus on the Asia-Pacific region

I'm also pleased that the conference report includes a requirement that flags from the District of Columbia and the U.S. territories be displayed at U.S. military installations around the world.

I ask my colleagues to support the conference report.

Mr. FRANK of Massachusetts. Mr. Speaker, at the request of the chairman of the full committee, I would now yield 2 minutes to him. I believe he intends to conduct a colloquy.

Mr. MCKEON. I thank the gentleman for yielding.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky for the purpose of a colloquy.

Mr. WHITFIELD. Well, thank you, Chairman MCKEON, and I certainly want to thank you and Mr. SMITH and your staffs for the hard work to complete this 51st consecutive defense authorization bill. As you know, the Energy and Commerce Committee has an interest in a number of provisions included in the bill. One of the provisions is section 3113, which modifies section 4102 of the Atomic Energy Defense Act.

My understanding of the Armed Services Committee's intention with regard to section 3113 is that, one, you want to reinvigorate a dormant statutory council by updating it and transforming it; and, two, you want to clean up the U.S. Code by eliminating obsolete language referring to the Assistant Secretary of Energy for Defense Programs.

Is that your understanding, as well?

Mr. MCKEON. That's correct. This council will be an important mechanism for improving communication, and the rest of section 4102 is defunct.

Mr. WHITFIELD. It is also my understanding that it was not the intent in section 3113 to affect the Secretary of Energy's management, planning and oversight authority, or delegation authority, related to the National Nuclear Security Administration.

Is that your understanding, as well?

Mr. MCKEON. That's correct. To further affirm that, I've sent a letter to the Secretary of Energy making clear the striking of this section in no way affects the Secretary's authorities.

Mr. WHITFIELD. Well, Chairman MCKEON, I want to thank you very much. The Energy and Commerce Committee was concerned about the elimination of portions of the underlying section, and it is my understanding that you will commit to working with the Energy and Commerce Committee next year to restore pertinent portions of section 4102 of the Atomic Energy Defense Act.

Mr. MCKEON. Yes, you have my commitment and my thanks for bringing this to our attention.

Mr. WHITFIELD. Well, thank you. It's a joy working with you, and, once again, congratulations.

Mr. MCKEON. Mr. Speaker, at this time, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, first I want to thank the chairman, the ranking member and staff of the Armed Services Committee for the great job that they have done in bringing this bill to the floor.

This bill takes several steps to ensure our military readiness, including the restoration of funding to retain at least three Ticonderoga-class guided missile cruisers that the Navy proposed to retire well before the end of their expected service life. The conference also added an additional 32 tactical airlift aircraft that are essential to meeting the Army's direct support airlift missions. These additional force structure changes are essential to ensuring our military meets mission requirements.

The bill also refuses to authorize another round of BRAC, which I believe

was founded on a flawed premise that assumes the administration's proposal for a reduced force structure is correct. I categorically refuse to accept a diminished Department of Defense and believe that additional force structure is necessary to support our combatant commanders.

While I support this bill, I'd be remiss if I did not express my concern associated with continued discussions on further reductions to the Department of Defense budget. While I believe the Federal Government, including the Department of Defense, needs to seek additional efficiencies, I reject the notion that additional cuts to Federal Government should be levied on the backs of our servicemen and -women who provide so much. We hold a special trust with these men and women, and we should oppose any proposal that seeks to diminish the promises provided to our valiant servicemembers.

Mr. Speaker, I hope and encourage our Members to support this bill.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island, the ranking member on the Emerging Threats Subcommittee, Mr. LANGEVIN.

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

Mr. LANGEVIN. I want to thank Ranking Member SMITH for yielding and also wish to thank Chairman MCKEON, both of them, for their hard work on this bill and working so collaboratively on behalf of the men and women in uniform and for our national security. I also want to thank the committee staff and all of my colleagues on the committee for their work on this year's legislation. I'd especially like to give a special thanks to Chairman THORNBERRY, who has been a superb partner on the Emerging Threats and Capabilities Subcommittee, and I particularly want to thank him for his hard work and our collaborative work together on cybersecurity, which I care passionately about.

While this legislation is not perfect in my eyes, it represents a compromise and common purpose that voters expect of us, as well as our continued commitment to one of our fundamental purposes as Members of Congress—providing for the common defense.

Now, this bill makes important investments in both the people and the programs that make defense work. It ensures that we have a robust national security. I'm particularly proud to note that it includes key provisions I advocated for directing the procurement of an additional Virginia-class submarine in FY 14. These boats are critical to our national security, and the hardworking men and women at Electric Boat in my district are building them ahead of schedule and underbudget. This bill preserves the two-boat-per-year model that has made such efficiencies possible.

I would also like to highlight the important cybersecurity provisions that enhance the oversight of Defense Department cyberoperations, establish criteria for DOD contractors to rapidly report cyberattacks and, most importantly, cyberpenetrations, especially when they've been successful, and obviously the work done here to grow our cyberworkforce. The highly skilled men and women who defend the United States' interests in cyberspace, in my opinion, are too few in number, and we have to reverse this trend, and we must attract, train and retain the very best.

Likewise, I'm pleased that this legislation includes provisions I authored that ask the DOD to assess the state of next-generation directed energy technologies. DE technologies hold great promise. In the short and medium term, they will not be a replacement for kinetic defenses; but they can be an added benefit, whether it's on missile defense or leak defense.

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

Mr. FRANK of Massachusetts. I yield the gentleman an additional 1 minute.

Mr. LANGEVIN. I thank the gentleman.

These technologies will not be, again, a replacement for kinetic defenses; but given the threats that we face in terms of raid sizes from adversaries on both short-, medium-, and long-range missiles, directed energy technologies do add an added dimension of defense that can supplement kinetic defenses.

With that, I want to thank all of my colleagues for their hard work on this bill. Again, I want to thank Chairman MCKEON and Ranking Member SMITH for working so well together, their hard work; and I urge all of my colleagues to support this important legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time remains on all sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 13 minutes remaining, the gentleman from California has 10½ minutes remaining, and the gentleman from Washington has 12 minutes remaining.

□ 1600

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I have some differences with particular provisions here, I would agree with the gentleman from New York, but that's not my major reason. That's not my reason at all for commandeering the time of this debate, and I apologize to those on the committee who worked so hard and who had an expectation to be able to talk about this specifically. I tried to accommodate that some, but here is my dilemma: it's partly the structure of this institution and of our rules and of our task.

The committee does a very good job of operating within the given parameters of America's military engagement. They discharge very well their obligation to fund that level. What we don't have in our structure is a form in which to debate the most important question we face as a country: What level of worldwide military engagement should we be committed to pursuing? Because that level of military engagement dictates the funding.

Members have said this is a good bill because it supports the men and women who we send into battle and into harm's way. Of course it does. It would be immoral to do anything less for them. The question is not whether having made a decision to be engaged on a worldwide basis we fund them adequately, but whether we are asking them to do too much. I would say my general principle in part is this.

We have a superior military, wonderful men and women, very well-equipped thanks to this House and this Senate and the administration. They do very well what a military can do. A military can stop bad things from happening.

Where we make the mistake is of asking these wonderful people to do something that militaries are not good at: make good things happen, take on roles in societies, quite literally and metaphorically, foreign to us and deal with the deepest human problems of religious and cultural disagreements.

I would be morally conflicted if I thought those kinds of interventions could be successful. I would like to alleviate the people in Afghanistan who suffer from some of these problems or in Iraq or elsewhere, but the point is we can't do that. The best trained and armed 30-year-old Americans can't resolve the problems that rack those societies. They can repel enemies, but they cannot create good societies.

Beyond that, we are suffering, I believe, from cultural lag. Sixty-seven years ago, at the end of World War II, America needed to be there for virtually every society in the world outside of the vicious Communism presided over by Joseph Stalin. The nations of Western and Central Europe had been weakened by World War II. They were vulnerable to Stalin.

Russia had been weakened, too, but he was able to use the brutal force of his system to put whatever resources he had into a military that not only threatened, but ate up freedom in many European countries. And Harry Truman, to his credit, with the bipartisan support from Congress said, No, no further, and inserted American troops and American money to keep the weak nations of Western and Central Europe from being overrun by Stalin.

Stalin, thank God, is dead, and the terrible system over which he presided has crumbled. That does not mean that I believe Russia is a wonderful place to live. I continue to be grateful to my grandparents for getting the heck out of there, but it's not a threat to the United States' competence.

On the other hand, the European nations that we went in there to protect are now strong and prosperous. We no longer have weak nations in Central

and Western Europe, and there is no longer a belligerent threat to them. One thing that hasn't changed is we're still there, with tens of billions of dollars of American money protecting the strong nations against a nonexisting threat.

Japan was disarmed 67 years ago because of understandable fears. Japan, today, is a very different country, and an American policy that insists on subsidizing the defense of Japan because of what happened 67 years ago is a disservice to the American people.

I want us to be the strongest nation in the world, Mr. Speaker. Some of my liberal friends say that sounds xenophobic. It's very simple. Somebody's going to be the strongest nation in the world by the process of elimination. I look at the candidates, and I'm for us.

I will be honest with you, if Denmark had the possibility of being the strongest nation in the world, I would be pretty relaxed about it, but they can't handle it. It's either going to be us or some country I'm not that crazy about. But we can be the strongest nation in the world much less expensively than we are.

Let me read from some who are critical because this President hasn't gone far enough. And a couple of my colleagues have praised the bill for putting more weapons into play than the Pentagon wants for objecting to their retirement of these weapons; in other words, it's more money than the Pentagon wanted in some cases. Here's the viewpoint that I think is being expressed here.

In an article in The Wall Street Journal on November 7, the day after the election—hope springs eternal for some people—Mr. Jack David and Michael Dunn wrote an op-ed piece. Mr. David was the Deputy Assistant Secretary of Defense in the Bush administration; Mr. Dunn had the former presidency over the Air Force Association. Here's what they say in support of more aircraft, part of which the committee appeared to be responding to. It wasn't directly, but it was in consonance with it. They complain that the Air Force has been a victim of its success. They say:

> Ironically, the inattention and repeated cuts that have taken a toll on this branch of the military haven't received the public attention they deserve because the Air Force has been so successful. No U.S. soldier has been killed by enemy airpower since 1953. For six decades, the Air Force has been able to deny operational airspace to adversaries, so U.S. ground forces have operated with little fear of enemy aircraft attacking their positions.

This is in The Wall Street Journal, written by a former Bush Assistant Secretary of Defense and the head of the Air Force Association.

But they say it's not enough to have had no American killed since 1953—for which I'm very pleased—and have totally dominated every battlefield for six decades. Here's what we have to do, they say:

> But the U.S. relies on the Air Force to do much more than that—including to hold at risk any actual or potential enemy target, anywhere in the world.

At a time when I'm being asked—I'm not going to do it—to cut back on the cost of living for Social Security, when we don't have adequate funds for health research, when we have had cities lay off police and fire—you're worried about the safety of Americans? Let's give the cities the resources not to lay off police and fire—I don't want to vote money to hold at risk any actual or potential enemy target anywhere in the world.

By the way, we have to do this ourselves, because the next thing we have to do is ''protect the ground forces of friends and allies.'' Why can't some of our allies protect their own ground forces? Is there something about Germany and Italy and France and Spain and England and Japan that renders them genetically incapable of having their own air forces? I know we were told we have to stay in Iraq and Afghanistan because they don't have their own air force, but neither do the people attacking them.

The next thing we are told is ''to protect the U.S. from a nuclear attack.'' I agree. We have a nuclear capacity that far exceeds any potential combination of enemies. We had, during the height of the Cold War, the triad. We could destroy the Soviet Union in a thermonuclear war, and they had the capacity to go after us by missiles, submarines, or strategic air command.

I have a proposal that sounds like I'm kidding. Sometimes I'm kidding; this time I'm not. Can we not go to the Pentagon and say, You know what? Now that there is no Soviet Union, there is a much weaker Russia—and I agree, Russia won a war against Georgia. They won a war against the country of Georgia. I think the way that we have armed the State of Georgia, I'm not sure what the outcome would be if that was the war. But Russia does not have anything like the capacity it had at the height of the Cold War. We still have the capacity to destroy them. Can we not say to the Pentagon, You know those three ways you have for destroying the Soviet Union? Please pick two. Would we not be very secure against a Soviet nuclear attack if we had two instead of the three and can save billions of dollars?

Now we're told, also, we must ''provide navigation through its global positioning systems.'' We have to protect, I'm told, the trade routes everywhere in the world, we have to protect them against China.

Mitt Romney got something right in his debate with the President when he said he's not afraid of toughening sanctions against China for currency manipulation because, he says, people say they're going to cut off their trade.

They make an enormous amount of money out of that trade. Why would they cut it off? Agreed. Why would the Chinese shut down the navigation route over which they make an enormous amount of money? It's like Dominos decided to tear up the street so they couldn't deliver the pizza. We are spending money on the Navy that protects every shipping lane everywhere in the world as if we were the only ones who had that interest.

□ 1610

Now let me give this one—surprising from conservatives—which is to airlift humanitarian aid anywhere in the world. I wish we were doing more in Haiti, and I wish we were doing more to stop children from dying of illness in Africa—but we have to give humanitarian aid anywhere in the world to our wealthy allies and others? Frankly, I wish we were better able to deliver humanitarian aid to New Jersey than to rich countries elsewhere. I don't say that as an isolationist. I wish we were doing more in some ways. I regret the attack on the International Monetary Fund—that I hear from my Republican colleagues—which would destabilize Europe. I would like to increase economic aid. I would like to do more to fight AIDS and malaria. I would like to do it in a more effective way.

Now, I'm told, in part, well, it's bad for jobs if you cut the military. That is a head-swiveling degree of inconsistency. I am told by many of my Republican colleagues, when the Federal Government provides aid to cities to keep firefighters on the job, when it builds roads, when it builds housing for the elderly, that somehow that's just something called ''stimulus,'' which doesn't add to the economy; but apparently, when we spend money to maintain bases in Germany or in Okinawa, when we build weapons that aren't needed, and even more when we maintain a nuclear arsenal we don't need, that somehow, magically, that creates jobs. It's as if Keynes were only right if he were armed. It's military Keynesianism.

The government does not help with the economy. Of the people who have said no government stimulation of the economy, how can they, Mr. Speaker, then turn around and say, We've got to do this for jobs? By the way, I think there is a government role in stimulating the economy. Defense tends to be, on the whole, the least efficient way to do it. The largest percentage of it is spent overseas. If we close down bases in NATO, it's going to hurt some people—but not here—and people who can afford it. Now I'm told, Well, that's mean because you're allies, and you're supposed to have troops where your allies are. Then how come I never saw any Belgian troops at the border in the United States? It's a one-way street.

Now, let me say of the President—and he has done a very good job, and I appreciate his withdrawal from Iraq and his resisting of some of the pressure, but he should go further. I did note—and the country is ready for this—that during that memorable moment when Clint Eastwood lost the debate to a chair that one of the things

he said that got enormous applause at the Republican convention was, Let's get out of Afghanistan right away. The American people understand we have long since stopped doing a lot of good there. That's not because there is any lack of bravery or skill on the part of those wonderful young people who are there. It's not their fault that we have put them in a place they no longer ought still to be. We ought to withdraw them.

I have one difference with the President, let me say in closing. On this, he says—however he's the President, and when you're the President, they all tell you these things—that America is the indispensable Nation. We were in 1945. We should not consider ourselves to be the indispensable Nation today. We are not indispensable to the defense of Germany and Italy and England, and we act as if we are. We're not indispensable in keeping open sea lanes for other countries. Frankly, Mr. Speaker, the time has come for us to urge wealthy nations that face no significant threat to dispense with us from the standpoint of our military activity.

So that's my objection to this bill. It does a reasonable job—with some disagreements some of us would have—of funding the current level of commitment, but the current level of commitment far exceeds any rational definition of ''national security.'' It's zero sum. It comes at the expense of every other program we try to maintain to promote the quality of life in the United States. I hope the bill is defeated.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman's time has expired.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Military Personnel, the gentleman from South Carolina (Mr. WILSON), a member of the conference committee.

Mr. WILSON of South Carolina. Thank you, Mr. Chairman, for your successful leadership of peace through strength.

The conference report for the National Defense Authorization Act provides our warfighters, veterans, and military families the care and support they deserve and have earned. Specifically, the conference report will authorize a true pay increase of 1.7 percent, limit end-strength reductions for the active Army and Marine Corps, provide significant new regulations and procedures for combating sexual assault, extend access to family housing and commissary-exchange benefits for troops who are involuntarily separated, and control the rate of co-pay increases for TRICARE.

From the beginning, the military personnel provisions have resulted from a bipartisan process. I want to thank subcommittee ranking member, Congresswoman SUSAN DAVIS, for her contributions. Additionally, I appreciate the dedication of the staff: John Chapla, Debra Wada, Jeanette James, Craig Greene, and Jim Weiss, along with military legislative assistant Chad Sydnor and military Fellow, Marine Master Gunnery Sergeant Michelle King. I also want to note the contributions of Michael Higgins, who is a retiring subcommittee staffer and true professional who has devoted 23 years of service to the committee after severing 20 years in the Air Force. Mike has made a positive difference on behalf of servicemembers, military families, and veterans.

I urge my colleagues to support the conference report.

Mr. Speaker, the following is my statement in its entirety: Thank you Mr. Chairman for your successful leadership for peace through strength. The Conference Report for the National Defense Authorization Act provides our war fighters, veterans and military families the care and support they deserve and have earned; additionally ensuring that proposed drawdown plans do not cut to the heart of the Army and Marine Corps. Specifically, the conference report will:

Authorize a troop pay increase of 1.7% and extend bonuses and special pay for our service members; limit end strength reductions for the active Army and Marine Corps; provide significant new regulations and procedures for combating and prosecuting sexual assault within the military; extend access to family housing for six months and Commissary and Exchange benefits for two years for troops who are involuntarily separated; and control the rate of co-pay increases for the Tricare, pharmacy benefit.

From the beginning, the military personnel provisions in the Fiscal Year 2013 Defense Authorization Act have resulted from a bipartisan process. I want to thank the subcommittee Ranking Member, Congresswoman SUSAN DAVIS for her contributions and support in this process.

Additionally, I appreciate the dedication of the Subcommittee staff: John Chapla, Debra Walda, Jeanette James, Craig Greene, and Jim Weiss along with Military Legislative Assistant Chad Sydnor and Military Fellow, Marine Master Gunnery Sergeant Michelle King.

I also want to note the contributions of Michael Higgins, a retiring subcommittee staffer and true professional, who has devoted 23 years of service to the committee, after serving 20 years in the Air Force. Mike will be retiring soon and this conference report will be his last one. Mike has made a positive difference on behalf of service members, military families and veterans.

I urge my colleagues to support the conference report on the Fiscal Year 2013 National Defense Authorization Act.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. I thank my friend Mr. SMITH, the ranking member, and I thank Mr. MCKEON for the work that they have done; and I want to thank my friend BARNEY FRANK for the thoughtful perspective he brings to the consideration of this bill.

As we struggle to get America on a fiscally sustainable path, none of us in this body or in this country ought to believe that we can save harmless defense from oversight and savings where they can be affected while maintaining the security of our country. It would simply be irrational to believe that we cannot have a contribution from the defense sector of our budgets when we are struggling to do what Admiral Mullen says is the number one security issue that we have, and that is the fiscal stability of our country and the elimination of our debt. So I thank Mr. FRANK for his contribution.

Mr. Speaker, I rise in support of the conference report, a bipartisan measure to enhance our national security and provide for our troops. Ranking Member SMITH and the chairman, Mr. MCKEON, and our Democrats on the committee have worked closely with their Republican counterparts for a long time to craft a bill that will strengthen our defense against emerging threats while ensuring that our troops in Afghanistan and around the world have the resources they need to get the job done that we have given them. This bill includes a number of key provisions, and Ranking Member SMITH and his counterparts deserve great credit for ensuring their inclusion:

For one, the bill expands the military's toolkit when it comes to preventing sexual assault—a profoundly unsettling problem in the military. Importantly, from my perspective, this conference report preserves the Shaheen language added in the Senate, extending health coverage for female servicemembers, on whom we are so dependent in our Armed Forces, or their dependents who need access to emergency services following an incident of rape or incest;

In recognizing the importance of strong military ties with Israel, this bill authorizes nearly $480 million for missile defense cooperation with our longtime and critical ally. That includes $211 million for the Iron Dome system, which was critically successful in defending Israeli citizens against Hamas rockets from Gaza just a few weeks ago;

We also remain committed to efforts that compel Iran to abandon its nuclear weapons program which threatens the United States and our allies. To that end, this bill further tightens sanctions on Iran. I strongly support those sanctions;

I was also pleased to see the conference report does not include dangerous House-passed language that would have prevented the administration from using all the judicial tools available to bring terrorists to justice.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman has expired.

Mr. SMITH of Washington. I yield the gentleman an additional minute.

Mr. HOYER. I thank the gentleman.

Like any compromise, this is not a perfect bill. We don't pass perfect bills, but it's a good bill that is worthy of support.

I would be remiss if I did not note my concern with section 533—unnecessary and, in my opinion, dangerously vague language that represents another backdoor attack on the highly successful repeal of the discriminatory Don't Ask, Don't Tell policy and the open service of courageous gay and lesbian servicemembers.

As Barry Goldwater so aptly said, what I'm concerned about is not whether they're straight, but whether they can shoot straight. We ought to focus on competency and patriotism, not anything else.

On balance, this is critical national security legislation, and I urge my colleagues to join me in supporting it. Our troops continue to do an outstanding job. Many of them are at the point of the spear in harm's way. We owe them our gratitude and our continuing support.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, a member of the conference committee, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Chairman MCKEON.

Mr. Speaker, I urge my colleagues to support the conference report for the National Defense Authorization Act for Fiscal Year 2013.

This bill sets important national security priorities, such as the block-buy procurement of two space-based infrared system satellites. It also establishes important oversight mechanisms for the acquisition timelines of satellite, ground, and user-terminal segments of space programs, which have been lacking in recent years.

The conference report urges and ensures greater efficiency and effectiveness at the National Nuclear Security Administration by limiting the bureaucracy and paper-pushing, and begins the process of important reforms of the Defense Nuclear Facilities Safety Board.

□ 1620

It requires the administration to make good on its nuclear infrastructure modernization promises, including completing the Los Alamos Chemistry and Metallurgy Research Replacement Nuclear Facility by 2026. The United States must not be the only nuclear weapons state without a meaningful production capability.

It also imposes important oversight on unilateral nuclear reductions, including requiring a new nuclear posture review.

Lastly, it supports a robust national missile defense, including requiring the Department of Defense to begin the work of fielding an additional missile defense site in the United States, likely on the east coast. As I have told my colleagues for some time, every Member of Congress is just three classified briefings away from understanding how important this site is.

Our Israeli allies have proven how important an effective, layered missile defense is, and I'm grateful that the conference report includes the $211 million recommended in the Strategic Forces mark this past April for Iron Dome, and it supports our other cooperative missile defense programs with Israel.

I want to thank Chairman MCKEON for his leadership that has resulted in the 51st consecutive National Defense Authorization Act, and we look forward to beginning work on the 52nd.

I also want to thank Tim Morrison, lead staff of the Strategic Forces Subcommittee, for his expertise and his leadership in ensuring that our Strategic Forces Subcommittee and this mark include important initiatives to protect our national security.

Lastly, I, too, want to join many who are congratulating Mr. FRANK on the end of his congressional career, but I do want to note his rhetorical question of why do we have troops in Europe defending Europe against the Soviet Union that no longer exists. Even though it is a statement that many Members state here on the House floor, it is absolutely incorrect. There is not one servicemember that we have there that's doing anything but essential work to our national security.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. DAVIS), ranking member on the Military Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

As the ranking member of the Military Personnel Subcommittee, I'm very pleased that this bill includes a number of provisions that continue our commitment to our men and women in uniform and their dedicated families. I want to thank my chairman, JOE WILSON, for his support and assistance, and recognize the chairman of the House Armed Services Committee, BUCK MCKEON, and ADAM SMITH, the ranking member, for their leadership.

Here are a few highlights from the conference report.

There will be a 1.7 percent pay raise, a critically important recognition of what our servicemembers do for us, particularly during economically challenging times.

It provides separation authorities as the services reduce their end strength. These authorities will be crucial to the Department's ability to execute its drawdown in a responsible manner that ensures that long-serving members and their families are compensated appropriately.

We continue our focus on mental health by codifying the Suicide Prevention and Community Health and Response Program for the National Guard and Reserves. Additionally, the bill requires the Secretary of Defense to providing training on suicide prevention, resilience, and community health, and it expands the scope of providers who may conduct pre-administrative separation medical examinations for post-traumatic stress disorder to include licensed clinical social workers and psychiatric advanced practice registered nurses.

We all know sexual assault remains a focus for the Congress, and there are a number of provisions that help to address the problem, including prohibiting the granting of waivers for commissioning or enlistment of an individual who has been convicted of sexual offenses under Federal or State law, and it requires the services to establish special victim capabilities for investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice.

The bill authorizes the Defense Department to establish transition assistance programs for members of the Guard and Reserve components who serve on active duty for more than 180 days, a program that previously did not exist.

And the bill provides female servicemembers and dependents with the same reproductive rights in cases of rape and incest that other women in Federal health plans can already exercise.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Mrs. DAVIS of California. I want to note, Mr. Speaker, that the bill continues to recognize the sacrifices of those who serve our Nation in uniform. During a time when many young Americans of all stripes—male and female, gay and straight, from every ethnic background conceivable—are forward deployed and all around the globe, we in the Congress have an obligation to ensure that these men and women are provided for. We must stand up to this important obligation. I urge all of my colleagues to support the bill.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Virginia (Mr. WITTMAN), the chairman of the Subcommittee on Oversight and Investigations and a member of the conference committee.

Mr. WITTMAN. Mr. Speaker, I would like to start by thanking our chairman, Mr. MCKEON, and ranking member Mr. SMITH for their leadership, and to thank all the staff for their great work. You know, in this city where partisan strife tends to reign supreme, it is truly refreshing to see folks able to work across the aisle and focus on a common goal, which is ensuring that the men and women of our all-volunteer force are provided with the highest-caliber resources, training, and authorities as they step into harm's way to complete their missions.

Our Nation is the greatest nation the world has ever known, precisely because our brave servicemen and -women make up the finest military the world has ever known.

But our military is certainly facing many difficult challenges, both here at home, where the Pentagon has endured 50 percent of the Nation's deficit reduction despite the fact it only comprises 20 percent of the budget, and also abroad, where our troops continue to serve bravely in Afghanistan, and where geopolitical focus is beginning to shift to the Asia Pacific.

These challenges have certainly been at the heart of efforts by the Oversight and Investigations Subcommittee throughout the past year. And over the past 6 months, the O&I Subcommittee convened a number of hearings and briefings on the training and development of the Afghan National Security Forces. I consider this issue one of our national security imperatives, and we must continue to monitor this effort in the months to come.

Since June of 2011, the subcommittee also conducted an extended study of the Navy's 30-year shipbuilding program in order to better understand the effectiveness of this plan and its impact on the defense industrial base.

These initiatives, and others like them, have been aimed at maximizing the successes of our military, increasing our capabilities for future successes, and ensuring efficient and effective use of resources and funding.

At the heart of all of this, we must ensure that the looming defense cuts under sequestration are addressed. Our national security depends on us getting this right.

This conference report today echoes these goals of providing for our military, and I'd like to thank the Members and staff for their dedication to our men and women in uniform.

Most importantly, Mr. Speaker, I'd like to thank the soldiers, sailors, marines, airmen, and Coast Guardsmen who selflessly serve this Nation on a daily basis. Without their service, we would not be the great Nation we are today, and their example inspires me on a daily basis.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ), the ranking member on the Strategic Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. I thank the ranking member, Mr. Speaker.

As the ranking member on the Subcommittee on Strategic Forces, I'm pleased with many of the provisions here in this conference report.

In the fiscal year 2013 NDAA, we successfully included strong support for the national security space programs, our nuclear deterrent, and our nuclear nonproliferation efforts, including an increase for the global threat reduction initiative and steps for a renewed ban on exports of highly enriched uranium.

I'm also pleased that the bill authorized funding for nuclear cleanup, and homeland and regional missile defense, including strong support for our U.S.-Israeli cooperation.

That section of the bill also contains important provisions to ensure our capabilities are tailored to our national security requirements, and that they're cost-effective. How do we do that? As a first step, we're going to have detailed studies and independent reviews of maintaining our nuclear weapons and analyses on plutonium pit reuse and on current requirements for plutonium pit production.

The bill also does not contain some very controversial issues we had in the House version, in particular, that would have weakened our health, safety, and security across the nuclear weapons complex and really undermined what I believe is our Federal oversight role. These steps will help us to sustain the deterrent force we need to meet 21st century challenges without overspending or compromising the safety of our workers or the public.

There is some concern still: a $6 billion plutonium facility remains part of our immediate plans even though the Department of Defense, the U.S. Strategic Command, the National Nuclear Security Administration, and the National Laboratories, they all agree we don't need this facility for at least another 5 years, and they prefer more cost-effective ways of doing this.

□ 1630

But, unfortunately, this was continued in this bill, and many other provisions. Thank you again.

Lastly, I want to thank all of the staff for having helped us. To Mr. MCKEON, and also to my ranking member, thank you so much.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER), my friend and colleague, a member of the Armed Services Committee.

Mrs. HARTZLER. Mr. Speaker, I rise in support of the conference report for H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I want to thank Chairman MCKEON and Ranking Member SMITH and all the colleagues of the conference committee for working together in a bipartisan fashion to bring this important bill to the floor for the 51st consecutive year.

The legislation we have brought here to the floor supports America's defense capabilities to better protect our homeland and support our troops. It is a good bill that will provide them with the tools and funding they need as they protect our freedoms and our liberties. There is no higher priority than advocating on their behalf, and they deserve nothing less than our best.

There's good news for our military personnel. The bill authorizes a troop pay increase of 1.7 percent and extended bonuses and special pay for our men and women in uniform. Personally, I'm proud to see important military construction projects funded at Fort Leonard Wood. In addition, the bill continues support for the family of long-range strike bomber programs, including the B–2, whose home is Whiteman Air Force Base.

Mr. Speaker, I'm proud to vote for this legislation and continue to pray for our troops and thank them for their service and their sacrifice.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), the ranking member on the Seapower Subcommittee.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of the National Defense Authorization Conference Report. I appreciate the hard work of Chairman MCKEON and Ranking Member SMITH and that of my counterpart, Chairman AKIN, on the Seapower and Projection Forces Subcommittee, on which I serve as ranking member.

Among other important measures, this report provides a 1.7 percent pay raise, well deserved for our military servicemembers. It authorizes nearly $11 billion, which is almost $160 million more than the President's budget originally requested for our U.S. Special Operations Command, which has been a key component of the war against violent extremists.

And I can tell you, as the cochairman and cofounder of the Special Operations Forces Caucus, and one who represents Fort Bragg, home of the U.S. Army Special Operations Command and Joint Special Operations Command, and who has constituents who serve at the Marine Special Operations Command at Camp Lejeune, I am extremely pleased to see this investment in our Special Operations Forces warriors who are often on the front lines during global conflicts.

Also, as ranking member of the Seapower Subcommittee, I'm pleased that the conference report makes real investments in our Nation's sea power by authorizing 10 new ships, a multi-year procurement authority for 10 Arleigh Burke-class destroyers, and a multi-year procurement authority for 10 Virginia-class submarines, as well as the authority to fund them incrementally.

The incremental funding gives the Navy greater flexibility in funding the new submarines and will take advantage of the savings generated from the Virginia-class attack submarines that continue to come in underbudget.

Mr. Speaker, I thank my colleagues for their hard work on this conference report. We stand up for America's defense and for those that serve our country, and I look forward to its passage on the House floor today.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), who's been very helpful in putting together the final bill.

Mr. GOHMERT. Mr. Speaker, on September 18, 2001, 7 days after the worst attack in American history, the authorized use of military force was passed. And I've come to understand how legislation can be hurriedly thrown together, and it was. We were in a crisis.

In those days I was a judge. When I got to Congress and the NDAA came up to extend, reauthorize the AUMF, this issue of whether American citizens

were protected came up. Some mistakenly thought the NDAA did some granting of power to the President that he shouldn't have, but actually it was in the original AUMF. It said the President could basically go after any nation, organization, or person that he thought was a threat or may have participated. That needed to be reined in.

I've worked with some of my colleagues, with professors, with legal experts. Even though one professor went to Harvard, they've been immensely helpful, and we've crafted language. And I even appreciate Senator LEVIN working with us and Chairman MCKEON being willing to look at these different issues.

Our original amendment included a 30-day requirement. Within 30 days there had to be a writ of habeas corpus hearing. Yet we got criticized, saying you're restricting to only 30 days, so we took that out.

The language in here, as Mr. NADLER pointed out, does not protect American citizens in foreign countries. That will have to be done another day. But it does go beyond what I originally wanted to do and protects people that are in the United States, if they are authorized under our Constitution to have those protections.

I am grateful that these things have been done. I'm grateful this language is in there to restrict the President's power back to what I think was appropriate under the Constitution. I will be voting for the NDAA and appreciate the chairman's indulgence in my push to get this done.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON), a member of the committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to thank the conferees for including in the NDAA language I authored to help prevent tragic cases of suicide among members of the military. Military suicides are, sadly, increasing, with 280 suicides this year in the Active Duty and Reserve Army alone.

The new language would allow military commanding officers and mental health professionals to talk to troubled servicemembers about their personal firearms and encourage them to safely store those weapons in a military facility or by means of a gun lock. The prohibition of such confidential dialogue, which this language repeals, prevented potentially lifesaving conversations between counselors and servicemembers.

We owe it to our soldiers and their families and their loved ones to do everything we can to help them, and this language is a small step in that direction.

Mr. MCKEON. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself the balance of my time to close. And I really want to close just to emphasize how important the work is that our staffs do, both in the House and the Senate. The work that they've done ever since May, when we first put together the bill on the House side, and then the accelerated time schedule that they had to operate under because the Senate waited until December 4 to pass their bill, and we had to throw together a quick conference report.

There are an endless array of critically important legislative issues that are handled in this bill, and the staffs that we have do an amazing job under a tight timeline of working together to resolve differences and come up with the best legislation. We have an outstanding staff. We could not do this without them.

Again I will emphasize that I hope this bill shows that it's possible that people who disagree—and you can hear from our debate there are many things we disagree strongly about, certainly Republicans and Democrats, but also House and Senate. Yet somehow we come together and put together this 1,600-page bill to spend $633 billion and provide for the common defense of the United States of America.

So I urge support, and I thank all those involved in this work product.

I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I once again rise in support of this bipartisan fiscal year 2013 National Defense Authorization Conference Report, and I concur totally with the concluding remarks of Mr. SMITH. Our staff has done a fantastic job. And I have enjoyed working with him, and we will continue to work together in a bipartisan way.

This NDAA bill passed the Armed Services Committee on a vote of 56–5. It passed the full House by nearly 300 votes; and, likewise, the Senate adopted its version of the bill unanimously.

However, I fully acknowledge we had to tackle tough issues in a very compressed timeframe, as Mr. SMITH pointed out. Every one of us could find something in this bill that we would rather change, but none of us can deny that this bill has been exhaustively debated. It's the only major authorization bill that's been able to proceed through regular order in both the House and the Senate this year.

The House considered 303 amendments, between the committee and the floor. The Senate considered at least 151 amendments. We've all had a chance to have our say on this bill and to have the Congress act its will.

I urge my colleagues to join me in ushering this bill across the finish line and vote ''yes'' on adoption of the conference report. This is a good piece of legislation that's critically needed by our troops.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in opposition to the Conference Report on the National Defense Authorization Act of 2012 but will use this statement to speak of the silver lining in this otherwise flawed legislation.

The silver lining of which I speak is Title 7, Section 737, which includes language for a breast cancer study. Last night before the Rules Committee I spoke of an amendment I offered to H.R. 4310 ''National Defense Authorization Act,'' which directed the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC). In addition, the amended language was designed to result in the generation of information that could then be useful in biomarker selection, drug discovery, and clinical trials design. This will enable medical professionals to identify TNBC patients earlier in the progression of their disease and would help advance the development of multiple targeted therapies for the disease.

My amendment which passed the House was designed to highlight the importance of studying and eventually finding effective treatments for triple negative breast cancer.

I was pleased to note that, although it was not included in the bill we vote on tonight, my amendment helped generate the language included today in Title 7, Section 737 which highlights the importance of breast cancer among members of the armed services. I wish to emphasis the importance of addressing trople negative breast cancer and that this aspect must be included in the National Defense Reauthorize.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer ''an aggressive subtype associated with lower survival rates.''

I believe that through a coordinated effort between the DOD and NIH that they can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer Society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39% higher death rate from breast cancer than other groups.

African American women are also 12% less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionally affected by triple negative breast cancer.

More than 30% of all breast cancer diagnoses in African American are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

FAST FACTS

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90% for White women but only 78% for African American Women.

African-American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer (TNBC) is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are usually of a higher grade and size; onset at a younger age; more aggressive; and more likely to metastasize.

TNBC also referred to as basal-like (BL) due to their resemblance to basal layer of epithelial cells, there is not a formal detailed classification of system of the subtypes of these cells. TNBC is in fact a heterogeneous group of cancers; with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment, targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17% of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affects African-American women, followed by Hispanic women. African-American women have a prevalence of TNBC of 26% vs 16% in non-African-American women.

TNBC usually affects women under 50 years of age. African American women have a prevalence of premenopausal breast cancer of 26% vs 16% for Non-African American Women.

Women with TNBC are at 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distance metastases in the brain and lung and more common subtypes of breast cancer.

Finally, Mr. Speaker I want to point out a part of this bill which I find vexing; that which relates to detainee policy. Our Constitution is a living document but sometimes we must go to great pains to emphasize this point when some of its most basic protections are threatened or simply ignored. The text continues the asserted authority of the U.S. Government to hold even U.S. citizens (persons) captured on U.S. soil indefinitely and without charge. This must be reviewed!

The language in this bill concerning the law of detention has major implications for our fundamental rights that should be considered on their own and not included as part of a Defense Authorization bill. These provisions should be the subject of close scrutiny by the Judiciary Committee.

The complex legal and constitutional issues should be properly analyzed, and the implications for our bedrock values of liberty and freedom carefully considered. I am mindful that we are charged with pursuing a great many issues and cannot fully address them all in a single setting; yet this is too important to again, be included as part of an authorization as if these were routine matters.

The Conference Report states that "[n]othing in the Authorization for Use of Military Force . . . or the National Defense Authorization Act for Fiscal Year 2012 . . . shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws."

This language simply continues the flawed policies established in the 2011 Defense Authorization Bill.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as a conferee and senior member of the House Armed Forces Committee, due to unforeseen health complications, I was unable to sign the Conference Report to H.R. 4310, the National Defense Authorization Act of FY2013 on December 18, 2012. If I had the opportunity to sign the Conference Report to H.R. 4310, I would have signed it.

Mr. PAUL. Mr. Speaker, I rise to oppose what will be the final National Defense Authorization Act (NDAA) I will face as a Member of the U.S. House of Representatives. As many of my colleagues are aware, I have always voted against the NDAA regardless of what party controls the House. Far from simply providing an authorization for the money needed to defend this country, which I of course support, this authorization and its many predecessors have long been used to fuel militarization, enrich the military industrial complex, expand our empire overseas, and purchase military and other enormously expensive equipment that we do not need and in large part does not work anyway. They wrap all of this mess up in false patriotism, implying that Members who do not vote for these boondoggles do not love their country.

The military industrial complex is a jigsaw puzzle of seemingly competing private companies; but they are in reality state-sponsored enterprises where well-connected lobbyists, usually after long and prosperous careers in the military or government, pressure Congress to fund pet projects regardless of whether we can afford them or whether they are needed to defend our country. This convenient arrangement is the welfare of the warfare state.

Because of the false perception that we must pass this military spending authorization each year or our men and women in uniform will go hungry, Congress has over the years taken the opportunity to pack it with other items that would have been difficult to pass on their own. This is nothing new on Capitol Hill. In the last few years, however, this practice has taken a sinister turn.

The now-infamous NDAA for fiscal year 2012, passed last year, granted the president the authority to indefinitely detain American citizens without charge, without access to an attorney, and without trial. It is difficult to imagine anything more un-American than this attack on our Constitutional protections. While we may not have yet seen the widespread use of this unspeakably evil measure, a wider application of this "authority" may only be a matter of time.

Historically these kinds of measures have been used to bolster state power at the expense of unpopular scapegoats. The Jewish citizens of 1930s Germany knew all about this reprehensible practice. Lately the scapegoats have been mostly Muslims. Hundreds, perhaps many more, even Americans, have been held by the U.S. at Guantanamo and in other secret prisons around the world.

But this can all change quickly, which makes it all the more dangerous. Maybe one day it will be Christians, gun-owners, homeschoolers, etc.

That is why last year, along with Reps. JUSTIN AMASH, WALTER JONES, and others, we attempted to simply remove the language from the NDAA (sec. 1021) that gave the president this unconstitutional authority. It was a simple, readable amendment. Others tried to thwart our straightforward efforts by crafting elaborately worded amendments that in practice did noting to protect us from this measure in the bill. Likewise this year there were a few celebrated but mostly meaningless attempts to address this issue. One such effort passed in the senate version of this bill. The conferees have simply cut it out. The will of Congress was thus ignored by a small group of Members and Senators named by House and Senate leadership.

There are many other measures in this NDAA Conference Report to be concerned about. It continues to fund our disastrous wars in Afghanistan, Pakistan, Yemen, and elsewhere for example.

The Conference Report contains yet another round of doomed-to-fail new sanctions against Iran. These are acts of war against Iran without actually firing a shot. But this time the House and Senate conferees are going further than that. The report contains language that pushes the U.S. as close to an actual authorization for the use of force against Iran as we can get. The Report ". . . asserts that the U.S. should be prepared to take all necessary measures, including military action if required, to prevent Iran from threatening the U.S., its allies, or Iran's neighbors with a nuclear weapon and reinforces the military option should it prove necessary."

This kind of language just emboldens Iran's enemies in the region to engage in increasingly reckless behavior with the guarantee that the U.S. military will step in if they push it too far. That is an unwise move for everyone concerned.

This Conference Report contains increased levels of foreign military aid, including an additional half-billion dollars in missile assistance to an already prosperous Israel and some $300 million to help an increasingly prosperous Russia control its chemical, nuclear, and biological weapons. And Russia does not even want the money!

Overall, this authorization will give the president even more money for military activities next year than he requested. At a time when the news has been dominated by reports of our budget crisis, the "fiscal cliff," and the "need" to increase taxes on Americans, Congress is foolishly spending even more on the military budget than the administration wants! I suppose that is what counts as a reduction in the language of Washington.

I urge my colleagues to oppose this, and all future, reckless and dangerous military spending bills that are destroying our national security by destroying our economy.

□ 1640

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 840, the previous question is ordered.

The question is on adoption of the conference report.

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

Mr. SMITH of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SPENDING REDUCTION ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 841, I call up the bill (H.R. 6684) to provide for spending reduction, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 841, the bill is considered read.

The text of the bill is as follows:

H.R. 6684

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 ''Spending Reduction Act of 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AGRICULTURE

Sec. 101. ARRA sunset at March 1, 2013.
Sec. 102. Categorical eligibility limited to cash assistance.
Sec. 103. Standard utility allowances based on the receipt of energy assistance payments.
Sec. 104. Employment and training; workfare.
Sec. 105. End State bonus program for the supplemental nutrition assistance program.
Sec. 106. Funding of employment and training programs.
Sec. 107. Turn off indexing for nutrition education and obesity prevention.
Sec. 108. Extension of Authorization of Food and Nutrition Act of 2008.
Sec. 109. Effective date and application of amendments.

TITLE II—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Repeal of Certain ACA Funding Provisions

Sec. 201. Repealing mandatory funding to states to establish American Health Benefit Exchanges.
Sec. 202. Repealing Prevention and Public Health Fund.
Sec. 203. Rescinding unobligated balances for CO-OP program.

Subtitle B—Medicaid

Sec. 211. Revision of provider tax indirect guarantee threshold.
Sec. 212. Rebasing of State DSH allotments for fiscal year 2022.
Sec. 213. Repeal of Medicaid and CHIP maintenance of effort requirements under PPACA.
Sec. 214. Medicaid payments to territories.
Sec. 215. Repealing bonus payments for enrollment under Medicaid and CHIP.

TITLE III—FINANCIAL SERVICES

Sec. 301. Table of contents.

Subtitle A—Orderly Liquidation Fund

Sec. 311. Repeal of liquidation authority.

Subtitle B—Home Affordable Modification Program

Sec. 321. Short title.
Sec. 322. Congressional findings.
Sec. 323. Termination of authority.
Sec. 324. Sense of Congress.

Subtitle C—Bureau of Consumer Financial Protection

Sec. 331. Bringing the Bureau of Consumer Financial Protection into the regular appropriations process.

Subtitle D—Repeal of the Office of Financial Research

Sec. 341. Repeal of the Office of Financial Research.

TITLE IV—COMMITTEE ON THE JUDICIARY

Sec. 401. Short title.
Sec. 402. Encouraging speedy resolution of claims.
Sec. 403. Compensating patient injury.
Sec. 404. Maximizing patient recovery.
Sec. 405. Punitive damages.
Sec. 406. Authorization of payment of future damages to claimants in health care lawsuits.
Sec. 407. Definitions.
Sec. 408. Effect on other laws.
Sec. 409. State flexibility and protection of States' rights.
Sec. 410. Applicability; effective date.

TITLE V—COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

Sec. 501. Retirement contributions.
Sec. 502. Annuity supplement.
Sec. 503. Contributions to Thrift Savings Fund of payments for accrued or accumulated leave.

TITLE VI—COMMITTEE ON WAYS AND MEANS

Subtitle A—Recapture of Overpayments Resulting From Certain Federally-subsidized Health Insurance

Sec. 601. Recapture of overpayments resulting from certain federally-subsidized health insurance.

Subtitle B—Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit

Sec. 611. Social security number required to claim the refundable portion of the child tax credit.

Subtitle C—Human Resources Provisions

Sec. 621. Repeal of the program of block grants to States for social services.

TITLE VII—SEQUESTER REPLACEMENT

Sec. 701. Short title.
Sec. 702. Protecting veterans programs from sequester.
Sec. 703. Achieving $19 billion in discretionary savings.
Sec. 704. Conforming amendments to section 314 of the Congressional Budget and Impoundment Control Act of 1974.
Sec. 705. Treatment for PAYGO purposes.
Sec. 706. Elimination of the fiscal year 2013 sequestration for defense direct spending.

TITLE I—AGRICULTURE

SEC. 101. ARRA SUNSET AT MARCH 1, 2013.

Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 120) is amended by striking ''October 31, 2013'' and inserting ''February 28, 2013''.

SEC. 102. CATEGORICAL ELIGIBILITY LIMITED TO CASH ASSISTANCE.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the 2d sentence of subsection (a) by striking ''households in which each member receives benefits'' and inserting ''households in which each member receives cash assistance'', and

(2) in subsection (j) by striking ''or who receives benefits under a State program'' and inserting ''or who receives cash assistance under a State program''.

SEC. 103. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C) by striking clause (iv), and

(2) in subsection (k) by striking paragraph (4) and inserting the following:

''(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.''.

(b) CONFORMING AMENDMENTS.—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) by striking ''and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))'', and

(2) in subparagraph (A) by inserting before the semicolon the following: '', except that such payments or allowances shall not be deemed to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))''.

SEC. 104. EMPLOYMENT AND TRAINING; WORKFARE.

(a) ADMINISTRATIVE COST-SHARING FOR EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a) by inserting ''(other than a program carried out under section 6(d)(4) or section 20)'' after ''supplemental nutrition assistance program'' the 1st place it appears, and

(B) in subsection (h)—

(i) by striking paragraphs (2) and (3), and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking ''(g), (h)(2), or (h)(3)'' and inserting ''or (g)''.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended is amended by striking '', (g), (h)(2), and (h)(3)'' and inserting ''and (g)''.

(b) ADMINISTRATIVE COST-SHARING AND REIMBURSEMENTS FOR WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

SEC. 105. END STATE BONUS PROGRAM FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

SEC. 106. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

For purposes of fiscal year 2013, the reference to $90,000,000 in section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) shall be deemed to be a reference to $79,000,000.

SEC. 107. TURN OFF INDEXING FOR NUTRITION EDUCATION AND OBESITY PREVENTION.

Section 28(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2037(d)) is amended by striking ''years—'' and all that follows through the period at the end, and inserting ''years, $375,000,000.''.

SEC. 108. EXTENSION OF AUTHORIZATION OF FOOD AND NUTRITION ACT OF 2008.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended by striking ''2012'' and inserting ''2013''.

SEC. 109. EFFECTIVE DATE AND APPLICATION OF AMENDMENTS.

This title and the amendments made by this title shall take effect on the date of enactment of this Act, and shall apply only with respect to certification periods that begin on or after such date.

TITLE II—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Repeal of Certain ACA Funding Provisions

SEC. 201. REPEALING MANDATORY FUNDING TO STATES TO ESTABLISH AMERICAN HEALTH BENEFIT EXCHANGES.

(a) IN GENERAL.—Section 1311(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(a)) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available under such section 1311(a), the unobligated balance is rescinded.

SEC. 202. REPEALING PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 203. RESCINDING UNOBLIGATED BALANCES FOR CO-OP PROGRAM.

Of the funds made available under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)), the unobligated balance is rescinded.

Subtitle B—Medicaid

SEC. 211. REVISION OF PROVIDER TAX INDIRECT GUARANTEE THRESHOLD.

Section 1903(w)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)(ii)) is amended by inserting ''and for portions of fiscal years beginning on or after June 1, 2013,'' after ''October 1, 2011,''.

SEC. 212. REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2022.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (9) as paragraph (10);

(2) in paragraph (3)(A) by striking ''paragraphs (6), (7), and (8)'' and inserting ''paragraphs (6), (7), (8), and (9)''; and

(3) by inserting after paragraph (8) the following new paragraph:

''(9) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2022.—With respect to fiscal 2022, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2021 shall be treated as if it were such amount as reduced under paragraph (7).''.

SEC. 213. REPEAL OF MEDICAID AND CHIP MAINTENANCE OF EFFORT REQUIREMENTS UNDER PPACA.

(a) REPEAL OF PPACA MEDICAID MOE.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by striking subsection (gg).

(b) REPEAL OF PPACA CHIP MOE.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in the paragraph heading, by striking ''CONTINUATION OF ELIGIBILITY STANDARDS FOR CHILDREN UNTIL OCTOBER 1, 2019'' and inserting ''CONTINUITY OF COVERAGE''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (74).

(2) Effective January 1, 2014, paragraph (14) of section 1902(e) (as added by section 2002(a) of Public Law 111–148) is amended by striking the third sentence of subparagraph (A).

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(2), the amendments made by this section shall take effect on the date of the enactment of this section.

SEC. 214. MEDICAID PAYMENTS TO TERRITORIES.

(a) LIMIT ON PAYMENTS.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''paragraphs (3) and (5)''; and

(B) by inserting ''paragraph (3)'' after ''and subject to'';

(2) in paragraph (4), by striking ''(3), and'' and all that follows through ''of this subsection'' and inserting ''and (3) of this subsection''; and

(3) by striking paragraph (5).

(b) FMAP.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''shall be 55 percent'' and inserting ''shall be 50 percent''.

SEC. 215. REPEALING BONUS PAYMENTS FOR ENROLLMENT UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—Paragraphs (3) and (4) of section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) are repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by section 2105(a)(3) of the Social Security Act, the unobligated balance is rescinded.

(c) CONFORMING CHANGES.—

(1) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Section 2104(n)(2) of the Social Security Act (42 U.S.C. 1397dd(n)(2)) is amended by striking subparagraph (D).

(2) OUTREACH OR COVERAGE BENCHMARKS.—Section 2111(b)(3) of the Social Security Act (42 U.S.C. 1397kk(b)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by inserting ''or'' after the semicolon at the end; and

(ii) by striking clause (ii); and

(B) by striking subparagraph (C).

TITLE III—FINANCIAL SERVICES

SEC. 301. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 301. Table of contents.

Subtitle A—Orderly Liquidation Fund

Sec. 311. Repeal of liquidation authority.

Subtitle B—Home Affordable Modification Program

Sec. 321. Short title.
Sec. 322. Congressional findings.
Sec. 323. Termination of authority.
Sec. 324. Sense of Congress.

Subtitle C—Bureau of Consumer Financial Protection

Sec. 331. Bringing the Bureau of Consumer Financial Protection into the regular appropriations process.

Subtitle D—Repeal of the Office of Financial Research

Sec. 341. Repeal of the Office of Financial Research.

Subtitle A—Orderly Liquidation Fund

SEC. 311. REPEAL OF LIQUIDATION AUTHORITY.

(a) IN GENERAL.—Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act is hereby repealed and any Federal law amended by such title shall, on and after the date of enactment of this Act, be effective as if title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act had not been enacted.

(b) CONFORMING AMENDMENTS.—

(1) DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(A) in the table of contents for such Act, by striking all items relating to title II;

(B) in section 165(d)(6), by striking '', a receiver appointed under title II,'';

(C) in section 716(g), by striking ''or a covered financial company under title II'';

(D) in section 1105(e)(5), by striking ''amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(5)(E)'' and inserting ''issuances of such securities under that chapter 31 for such purpose shall by treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts''; and

(E) in section 1106(c)(2), by amending subparagraph (A) to read as follows:

''(A) require the company to file a petition for bankruptcy under section 301 of title 11, United States Code; or''.

(2) FEDERAL DEPOSIT INSURANCE ACT.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended by striking '', or of such nonbank financial company supervised by the Board of Governors or bank holding company described in section 165(a) of the Financial Stability Act of 2010, for the purpose of implementing its authority to provide for orderly liquidation of any such company under title II of that Act''.

(3) FEDERAL RESERVE ACT.—Section 13(3) of the Federal Reserve Act is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or is subject to resolution under''; and

(ii) in clause (iii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or resolution under''; and

(B) by striking subparagraph (E).

Subtitle B—Home Affordable Modification Program

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''HAMP Termination Act of 2012''.

SEC. 322. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) According to the Department of the Treasury—

(A) the Home Affordable Modification Program (HAMP) is designed to ''help as many as 3 to 4 million financially struggling homeowners avoid foreclosure by modifying loans to a level that is affordable for borrowers now and sustainable over the long term''; and

(B) as of October 2012, only 840,835 active permanent mortgage modifications were made under HAMP.

(2) Many homeowners whose HAMP modifications were canceled suffered because they made futile payments and some of those homeowners were even forced into foreclosure.

(3) The Special Inspector General for TARP reported that HAMP ''benefits only a small portion of distressed homeowners, offers others little more than false hope, and in certain cases causes more harm than good''.

(4) Approximately $30 billion was obligated by the Department of the Treasury to HAMP, however, approximately only $4.34 billion has been disbursed.

(5) Terminating HAMP would save American taxpayers approximately $2.84 billion, according to the Congressional Budget Office.

SEC. 323. TERMINATION OF AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended by adding at the end the following new subsection:

''(c) TERMINATION OF AUTHORITY TO PROVIDE NEW ASSISTANCE UNDER THE HOME AFFORDABLE MODIFICATION PROGRAM.—

''(1) IN GENERAL.—Except as provided under paragraph (2), after the date of the enactment of this subsection the Secretary may not provide any assistance under the Home Affordable Modification Program under the

Making Home Affordable initiative of the Secretary, authorized under this Act, on behalf of any homeowner.

''(2) PROTECTION OF EXISTING OBLIGATIONS ON BEHALF OF HOMEOWNERS ALREADY EXTENDED AN OFFER TO PARTICIPATE IN THE PROGRAM.—Paragraph (1) shall not apply with respect to assistance provided on behalf of a homeowner who, before the date of the enactment of this subsection, was extended an offer to participate in the Home Affordable Modification Program on a trial or permanent basis.

''(3) DEFICIT REDUCTION.—

''(A) USE OF UNOBLIGATED FUNDS.—Notwithstanding any other provision of this title, the amounts described in subparagraph (B) shall not be available after the date of the enactment of this subsection for obligation or expenditure under the Home Affordable Modification Program of the Secretary, but should be covered into the General Fund of the Treasury and should be used only for reducing the budget deficit of the Federal Government.

''(B) IDENTIFICATION OF UNOBLIGATED FUNDS.—The amounts described in this subparagraph are any amounts made available under title I of the Emergency Economic Stabilization Act of 2008 that—

''(i) have been allocated for use, but not yet obligated as of the date of the enactment of this subsection, under the Home Affordable Modification Program of the Secretary; and

''(ii) are not necessary for providing assistance under such Program on behalf of homeowners who, pursuant to paragraph (2), may be provided assistance after the date of the enactment of this subsection.

''(4) STUDY OF USE OF PROGRAM BY MEMBERS OF THE ARMED FORCES, VETERANS, AND GOLD STAR RECIPIENTS.—

''(A) STUDY.—The Secretary shall conduct a study to determine the extent of usage of the Home Affordable Modification Program by, and the impact of such Program on, covered homeowners.

''(B) REPORT.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this subsection, the Secretary shall submit to the Congress a report setting forth the results of the study under subparagraph (A) and identifying best practices, derived from studying the Home Affordable Modification Program, that could be applied to existing mortgage assistance programs available to covered homeowners.

''(C) COVERED HOMEOWNER.—For purposes of this subsection, the term 'covered homeowner' means a homeowner who is—

''(i) a member of the Armed Forces of the United States on active duty or the spouse or parent of such a member;

''(ii) a veteran, as such term is defined in section 101 of title 38, United States Code; or

''(iii) eligible to receive a Gold Star lapel pin under section 1126 of title 10, United States Code, as a widow, parent, or next of kin of a member of the Armed Forces person who died in a manner described in subsection (a) of such section.

''(5) PUBLICATION OF MEMBER AVAILABILITY FOR ASSISTANCE.—Not later than 5 days after the date of the enactment of this subsection, the Secretary of the Treasury shall publish to its Website on the World Wide Web in a prominent location, large point font, and boldface type the following statement: 'The Home Affordable Modification Program (HAMP) has been terminated. If you are having trouble paying your mortgage and need help contacting your lender or servicer for purposes of negotiating or acquiring a loan modification, please contact your Member of Congress to assist you in contacting your lender or servicer for the purpose of negotiating or acquiring a loan modification.'.

''(6) NOTIFICATION TO HAMP APPLICANTS REQUIRED.—Not later than 30 days after the date of the enactment of this subsection, the Secretary of the Treasury shall inform each individual who applied for the Home Affordable Modification Program and will not be considered for a modification under such Program due to termination of such Program under this subsection—

''(A) that such Program has been terminated;

''(B) that loan modifications under such Program are no longer available;

''(C) of the name and contact information of such individual's Member of Congress; and

''(D) that the individual should contact his or her Member of Congress to assist the individual in contacting the individual's lender or servicer for the purpose of negotiating or acquiring a loan modification.''.

SEC. 324. SENSE OF CONGRESS.

The Congress encourages banks to work with homeowners to provide loan modifications to those that are eligible. The Congress also encourages banks to work and assist homeowners and prospective homeowners with foreclosure prevention programs and information on loan modifications.

Subtitle C—Bureau of Consumer Financial Protection

SEC. 331. BRINGING THE BUREAU OF CONSUMER FINANCIAL PROTECTION INTO THE REGULAR APPROPRIATIONS PROCESS.

Section 1017 of the Consumer Financial Protection Act of 2010 is amended—

(1) in subsection (a)—

(A) by amending the heading of such subsection to read as follows: ''BUDGET, FINANCIAL MANAGEMENT, AND AUDIT.—'';

(B) by striking paragraphs (1), (2), and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively; and

(D) by striking subparagraphs (E) and (F) of paragraph (1), as so redesignated;

(2) by striking subsections (b), (c), and (d);

(3) by redesignating subsection (e) as subsection (b); and

(4) in subsection (b), as so redesignated—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000,000 to carry out this title for each of fiscal years 2013 and 2014.''; and

(B) by redesignating paragraph (4) as paragraph (2).

Subtitle D—Repeal of the Office of Financial Research

SEC. 341. REPEAL OF THE OFFICE OF FINANCIAL RESEARCH.

(a) IN GENERAL.—Subtitle B of title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act is hereby repealed.

(b) CONFORMING AMENDMENTS TO THE DODD-FRANK ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(1) in section 102(a), by striking paragraph (5);

(2) in section 111—

(A) in subsection (b)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively;

(B) in subsection (c)(1), by striking ''subparagraphs (C), (D), and (E)'' and inserting ''subparagraphs (B), (C), and (D)'';

(3) in section 112—

(A) in subsection (a)(2)—

(i) in subparagraph (A), by striking ''direct the Office of Financial Research to'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), and (N) as subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), and (M), respectively; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''the Office of Financial Research, member agencies, and'' and inserting ''member agencies and'';

(ii) in paragraph (2), by striking ''the Office of Financial Research, any member agency, and'' and inserting ''any member agency and'';

(iii) in paragraph (3)—

(I) by striking '', acting through the Office of Financial Research,'' each place it appears; and

(II) in subparagraph (B), by striking ''the Office of Financial Research or''; and

(iv) in paragraph (5)(A), by striking '', the Office of Financial Research,'';

(4) in section 116, by striking '', acting through the Office of Financial Research,'' each place it appears; and

(5) by striking section 118.

(c) CONFORMING AMENDMENT TO THE PAPERWORK REDUCTION ACT.—Effective as of the date specified in section 1100H of the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 1100D(a) of such Act is amended to read as follows:

''(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 3502(5) of subchapter I of chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act) is amended by inserting 'the Bureau of Consumer Financial Protection,' after 'the Securities and Exchange Commission,'.''.

(d) TECHNICAL AMENDMENTS.—The table of contents for the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(1) by striking the item relating to section 118; and

(2) by striking the items relating to subtitle B of title I.

TITLE IV—COMMITTEE ON THE JUDICIARY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2012''.

SEC. 402. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 403. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 404. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) Forty percent of the first $50,000 recovered by the claimant(s).

(2) Thirty-three and one-third percent of the next $50,000 recovered by the claimant(s).

(3) Twenty-five percent of the next $500,000 recovered by the claimant(s).

(4) Fifteen percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 405. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i)(I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product; or

(C) the defendant caused the medical product which caused the claimant's harm to be misbranded or adulterated (as such terms are used in chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.)).

SEC. 406. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments, in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 407. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute

resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(4) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(5) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(6) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(7) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(8) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(9) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(10) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(11) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(12) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(13) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(14) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(16) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 408. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 409. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 303(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 410. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court,

or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE V—COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

SEC. 501. RETIREMENT CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) INDIVIDUAL CONTRIBUTIONS.—Section 8334(c) of title 5, United States Code, is amended—

(A) by striking ''(c) Each'' and inserting ''(c)(1) Each''; and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of this subsection, the applicable percentage of basic pay under this subsection shall—

''(A) except as provided in subparagraph (B) or (C), for purposes of computing an amount—

''(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 1.5 percentage points;

''(ii) for a period in calendar year 2014, be equal to the applicable percentage under this subsection for calendar year 2013 (as determined under clause (i)), plus an additional 0.5 percentage point;

''(iii) for a period in calendar year 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (ii) or this clause, as the case may be), plus an additional 1.0 percentage point; and

''(iv) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (iii));

''(B) for purposes of computing an amount with respect to a Member for Member service—

''(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 2.5 percentage points;

''(ii) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (i) or this clause, as the case may be), plus an additional 1.5 percentage points; and

''(iii) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (ii)); and

''(C) for purposes of computing an amount with respect to a Member or employee for Congressional employee service—

''(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 2.5 percentage points;

''(ii) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (i) or this clause, as the case may be), plus an additional 1.5 percentage points; and

''(iii) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (ii)).

''(3)(A) Notwithstanding subsection (a)(2), any excess contributions under subsection (a)(1)(A) (including the portion of any deposit under this subsection allocable to excess contributions) shall, if made by an employee of the United States Postal Service or the Postal Regulatory Commission, be deposited to the credit of the Postal Service Fund under section 2003 of title 39, rather than the Civil Service Retirement and Disability Fund.

''(B) For purposes of this paragraph, the term 'excess contributions', as used with respect to contributions made under subsection (a)(1)(A) by an employee of the United States Postal Service or the Postal Regulatory Commission, means the amount by which—

''(i) deductions from basic pay of such employee which are made under subsection (a)(1)(A), exceed

''(ii) deductions from basic pay of such employee which would have been so made if paragraph (2) had not been enacted.''.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8334(a)(1)(B) of title 5, United States Code, is amended—

(A) in clause (i), by striking ''Except as provided in clause (ii),'' and inserting ''Except as provided in clause (ii) or (iii),''; and

(B) by adding at the end the following:

''(iii) The amount to be contributed under clause (i) shall, with respect to a period in any year beginning after December 31, 2012, be equal to—

''(I) the amount which would otherwise apply under clause (i) with respect to such period, reduced by

''(II) the amount by which, with respect to such period, the withholding under subparagraph (A) exceeds the amount which would otherwise have been withheld from the basic pay of the employee or elected official involved under subparagraph (A) based on the percentage applicable under subsection (c) for calendar year 2012.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) INDIVIDUAL CONTRIBUTIONS.—Section 8422(a)(3) of title 5, United States Code, is amended—

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

(B) by inserting after subparagraph (A) the following:

''(B) Notwithstanding any other provision of this paragraph, the applicable percentage under this paragraph for civilian service by employees or Members other than revised annuity employees shall—

''(i) except as provided in clause (ii) or (iii), for purposes of computing an amount—

''(I) for a period in calendar year 2013, be equal to the applicable percentage under this paragraph for calendar year 2012, plus an additional 1.5 percentage points;

''(II) for a period in calendar year 2014, be equal to the applicable percentage under this paragraph for calendar year 2013 (as determined under subclause (I)), plus an additional 0.5 percentage point;

''(III) for a period in calendar year 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (as determined under subclause (II) or this subclause, as the case may be), plus an additional 1.0 percentage point; and

''(IV) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (III));

''(ii) for purposes of computing an amount with respect to a Member—

''(I) for a period in calendar year 2013, be equal to the applicable percentage under this paragraph for calendar year 2012, plus an additional 2.5 percentage points;

''(II) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (as determined under subclause (I) or this subclause, as the case may be), plus an additional 1.5 percentage points; and

''(III) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (II)); and

''(iii) for purposes of computing an amount with respect to a Congressional employee—

''(I) for a period in calendar year 2013, 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (including as increased under this subclause, if applicable), plus an additional 1.5 percentage points; and

''(II) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (I)).''; and

(C) in subparagraph (C) (as so redesignated by subparagraph (A))—

(i) by striking ''9.3'' each place it appears and inserting ''12''; and

(ii) by striking ''9.8'' each place it appears and inserting ''12.5''.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8423(a)(2) of title 5, United States Code, is amended—

(A) by striking ''(2)'' and inserting ''(2)(A)''; and

(B) by adding at the end the following:

''(B)(i) Subject to clauses (ii) and (iii), for purposes of any period in any year beginning after December 31, 2012, the normal-cost percentage under this subsection shall be determined and applied as if section 501(b)(1) of the Spending Reduction Act of 2012 had not been enacted.

''(ii) Any contributions under this subsection in excess of the amounts which (but for clause (i)) would otherwise have been payable shall be applied toward reducing the unfunded liability of the Civil Service Retirement System.

''(iii) After the unfunded liability of the Civil Service Retirement System has been eliminated, as determined by the Office, Government contributions under this subsection shall be determined and made disregarding this subparagraph.

''(iv) The preceding provisions of this subparagraph shall be disregarded for purposes of determining the contributions payable by the United States Postal Service and the Postal Regulatory Commission.''.

SEC. 502. ANNUITY SUPPLEMENT.

Section 8421(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) in paragraph (2), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(3) by adding at the end the following:

''(4)(A) Except as provided in subparagraph (B), no annuity supplement under this section shall be payable in the case of an individual who first becomes subject to this chapter after December 31, 2012.

''(B) Nothing in this paragraph applies in the case of an individual separating under subsection (d) or (e) of section 8412.''.

SEC. 503. CONTRIBUTIONS TO THRIFT SAVINGS FUND OF PAYMENTS FOR ACCRUED OR ACCUMULATED LEAVE.

(a) AMENDMENTS RELATING TO CSRS.—Section 8351(b) of title 5, United States Code, is amended—

(1) by striking paragraph (2)(A) and inserting the following:

''(2)(A) An employee or Member may contribute to the Thrift Savings Fund in any pay period any amount of such employee's or Member's basic pay for such pay period, and may contribute (by direct transfer to the Fund) any part of any payment that the employee or Member receives for accumulated and accrued annual or vacation leave under section 5551 or 5552. Notwithstanding section 2105(e), in this paragraph the term 'employee' includes an employee of the United States Postal Service or of the Postal Regulatory Commission.'';

(2) by striking subparagraph (B) of paragraph (2); and

(3) by redesignating subparagraph (C) of paragraph (2) as subparagraph (B).

(b) AMENDMENTS RELATING TO FERS.—Section 8432(a) of title 5, United States Code, is amended—

(1) by striking all that precedes paragraph (3) and inserting the following:

''(a)(1) An employee or Member—

''(A) may contribute to the Thrift Savings Fund in any pay period, pursuant to an election under subsection (b), any amount of such employee's or Member's basic pay for such pay period; and

''(B) may contribute (by direct transfer to the Fund) any part of any payment that the employee or Member receives for accumulated and accrued annual or vacation leave under section 5551 or 5552.

''(2) Contributions made under paragraph (1)(A) pursuant to an election under subsection (b) shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.''; and

(2) by adding at the end the following:

''(4) Notwithstanding section 2105(e), in this subsection the term 'employee' includes an employee of the United States Postal Service or of the Postal Regulatory Commission.''.

(c) REGULATIONS.—The Executive Director of the Federal Retirement Thrift Investment Board shall promulgate regulations to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—COMMITTEE ON WAYS AND MEANS

Subtitle A—Recapture of Overpayments Resulting From Certain Federally-subsidized Health Insurance

SEC. 601. RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.

(a) IN GENERAL.—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENT.—So much of paragraph (2) of section 36B(f) of such Code, as amended by subsection (a), as precedes ''advance payments'' is amended to read as follows:

''(2) EXCESS ADVANCE PAYMENTS.—If the''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

Subtitle B—Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit

SEC. 611. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.

''(C) LIMITATION.—Subparagraph (A) shall not apply to the extent the tentative minimum tax (as defined in section 55(b)(1)(A)) exceeds the credit allowed under section 32.''.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of such Code is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of such Code is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Human Resources Provisions

SEC. 621. REPEAL OF THE PROGRAM OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

(a) REPEALS.—Sections 2001 through 2007 of the Social Security Act (42 U.S.C. 1397–1397f) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(A) in paragraph (1), by striking ''any or all of the following provisions of law:'' and all that follows through ''The'' and inserting ''the'';

(B) in paragraph (3)—

(i) by striking ''RULES'' and all that follows through ''any amount paid'' and inserting ''RULES.—Any amount paid'';

(ii) by striking ''a provision of law specified in paragraph (1)'' and inserting ''the Child Care and Development Block Grant Act of 1990''; and

(iii) by striking subparagraph (B); and

(C) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (1)(A)—

(i) by striking ''administers or supervises'' and inserting ''administered or supervised''; and

(ii) by striking ''subtitle 1 of title XX'' and inserting ''subtitle A of title XX (as in effect before the repeal of such subtitle)''; and

(B) in paragraph (2), by striking ''under subtitle 1 of title XX,''.

(3) Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (4), by striking '', under subtitle 1 of title XX of this Act,''; and

(B) in paragraph (8), by striking ''XIX, or XX'' and inserting ''or XIX''.

(4) Section 472(h)(1) of the Social Security Act (42 U.S.C. 672(h)(1)) is amended by striking the 2nd sentence.

(5) Section 473(b) of the Social Security Act (42 U.S.C. 673(b)) is amended—

(A) in paragraph (1), by striking ''(3)'' and inserting ''(2)'';

(B) in paragraph (4), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''; and

(C) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(6) Section 504(b)(6) of the Social Security Act (42 U.S.C. 704(b)(6)) is amended in each of subparagraphs (A) and (B) by striking ''XIX, or XX'' and inserting ''or XIX''.

(7) Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by striking the penultimate sentence.

(8) Section 1128(h) of the Social Security Act (42 U.S.C. 1320a–7(h)) is amended—

(A) by adding ''or'' at the end of paragraph (2); and

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(9) Section 1128A(i)(1) of the Social Security Act (42 U.S.C. 1320a–7a(i)(1)) is amended by striking ''or subtitle 1 of title XX''.

(10) Section 1132(a)(1) of the Social Security Act (42 U.S.C. 1320b–2(a)(1)) is amended by striking ''XIX, or XX'' and inserting ''or XIX''.

(11) Section 1902(e)(13)(F)(iii) of the Social Security Act (42 U.S.C. 1396a(e)(13)(F)(iii)) is amended—

(A) by striking ''EXCLUSIONS'' and inserting ''EXCLUSION''; and

(B) by striking ''an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or''.

(12) The heading for title XX of the Social Security Act is amended by striking ''BLOCK GRANTS TO STATES FOR SOCIAL SERVICES'' and inserting ''HEALTH PROFESSIONS DEMONSTRATIONS AND ENVIRONMENTAL HEALTH CONDITION DETECTION''.

(13) The heading for subtitle A of title XX of the Social Security Act is amended by striking ''**Block Grants to States for Social Services**'' and inserting ''**Health Professions Demonstrations and Environmental Health Condition Detection**''.

(14) Section 16(k)(5)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(5)(B)(i)) is amended by striking '', or title XX,''.

(15) Section 402(b)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(16) Section 245A(h)(4)(I) of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a(h)(4)(I)) is amended by striking '', XVI, and XX'' and inserting ''and XVI''.

(17) Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (B)—

(I) by striking ''—'' and all that follows through ''(i)'';

(II) by striking ''or'' at the end of clause (i); and

(III) by striking clause (ii); and

(ii) in subparagraph (D)(ii), by striking ''or title XX''; and

(B) in subsection (o)(2)(B)—

(i) by striking ''or title XX'' each place it appears; and

(ii) by striking ''or XX''.

(18) Section 201(b) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1931(b)) is amended by striking ''titles IV–B and XX'' each place it appears and inserting ''part B of title IV''.

(19) Section 3803(c)(2)(C) of title 31, United States Code, is amended by striking clause (vi) and redesignating clauses (vii) through (xvi) as clauses (vi) through (xv), respectively.

(20) Section 14502(d)(3) of title 40, United States Code, is amended—

(A) by striking ''and title XX''; and

(B) by striking '', 1397 et seq.''.

(21) Section 2006(a)(15) of the Public Health Service Act (42 U.S.C. 300z–5(a)(15)) is amended by striking ''and title XX''.

(22) Section 203(b)(3) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(3)) is amended by striking ''XIX, and XX'' and inserting ''and XIX''.

(23) Section 213 of the Older Americans Act of 1965 (42 U.S.C. 3020d) is amended by striking ''or title XX''.

(24) Section 306(d) of the Older Americans Act of 1965 (42 U.S.C. 3026(d)) is amended in each of paragraphs (1) and (2) by striking ''titles XIX and XX'' and inserting ''title XIX''.

(25) Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624)

is amended in each of subsections (b)(4) and (j) by striking ''under title XX of the Social Security Act,''.

(26) Section 602 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901) is repealed.

(27) Section 3(d)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14402(d)(1)) is amended by striking subparagraph (C) and redesignating subparagraphs (D) through (K) as subparagraphs (C) through (J), respectively.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall take effect on January 1, 2013.

TITLE VII—SEQUESTER REPLACEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Sequester Replacement Act of 2012''.

SEC. 702. PROTECTING VETERANS PROGRAMS FROM SEQUESTER.

Section 256(e)(2)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

SEC. 703. ACHIEVING $19 BILLION IN DISCRETIONARY SAVINGS.

(a) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(2) with respect to fiscal year 2013, for the discretionary category, $1,047,000,000,000 in new budget authority;''.

(b) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(A) FISCAL YEAR 2013.—

''(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by $19,104,000,000 in budget authority.

''(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i), and the President shall order a sequestration, if any, as required by such report.''.

SEC. 704. CONFORMING AMENDMENTS TO SECTION 314 OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

Section 314(a) of the Congressional Budget Act of 1974 is amended to read as follows:

''(a) ADJUSTMENTS.—

''(1) IN GENERAL.—The chair of the Committee on the Budget of the House of Representatives or the Senate may make adjustments as set forth in paragraph (2) for a bill or joint resolution, amendment thereto or conference report thereon, by the amount of new budget authority and outlays flowing therefrom in the same amount as required by section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(2) MATTERS TO BE ADJUSTED.—The chair of the Committee on the Budget of the House of Representatives or the Senate may make the adjustments referred to in paragraph (1) to—

''(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a);

''(B) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget; and

''(C) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget.''.

SEC. 705. TREATMENT FOR PAYGO PURPOSES.

The budgetary effects of this Act and any amendment made by it shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

SEC. 706. ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.

Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. RYAN) as the designee of the majority leader and the gentleman from Maryland (Mr. VAN HOLLEN) as the designee of the minority leader each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6684, the Spending Reduction Act.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1 minute.

This is what we should be doing almost every day here—cutting spending. In particular, this cuts $236 billion over the next 10 years in net spending cuts to pay for 1 year of the sequester. It sets aside the sequester on defense and nondefense discretionary spending. It cuts $218 billion in mandatory spending and $19 billion in discretionary spending by lowering those caps. The result of this is we believe it's better to identify specific spending cuts, waste, fraud, and abuse in the Federal Government in order to prevent the sequester from occurring. This sets aside this question for 1 year. But in exchange for that, it has a net spending reduction of $236 billion. We think the path forward is even lower spending, which is what this achieves.

I yield 5 minutes to the chairman of the House Armed Services Committee, Mr. MCKEON.

Mr. MCKEON. I thank the gentleman for yielding, and I thank him for his efforts on this bill.

Today, we will send to the Senate a way out of this fiscal crisis. Rather than react in defense of the President's position, I urge the other body to treat this package as a good faith effort to protect America's middle class and small businesses from harmful tax hikes and to reduce spending to resolve sequestration. We know that the President is willing to put adjustments to entitlements on the table. This proposal provides a framework for us to reach bipartisan agreement on how to do that.

If we fail to act, on January 2 a hammer's strike will fall on America's Armed Forces. It will be one of the most significant and damaging blows to our troops and our national security in history. Without even the stroke of a pen, sequester will do incredible injury to a military that took generations to build. It will take generations to fix. And the blow will not come from an enemy, but from our own inability to fulfill the basic obligations of governance.

We must stop substituting regular order with brinksmanship. We must not allow impasses of our own doing to harm our Armed Forces. I call on the President to lead rather than create a new crisis. We cannot stand idly by while we have American men and women fighting to keep us safe across the globe. It's a disgrace that the President decided to use them as pawns in these negotiations, and it's a disgrace that we haven't managed to rescue them yet.

My leadership made me a promise: sequestration would not happen. Today, for the sixth time, they are bringing a measure to the floor in an effort to keep that promise. I thank them for what they have done and wish we could have done even more. The American people were also promised that sequestration would not happen. Many times over his campaign and in the presence of our troops and veterans the Commander in Chief made that promise: sequestration would not happen. Yet as we stand here today, days away from the catastrophe, the President of the United States hasn't lifted a finger to keep that promise.

If the Senate fails to take our offer seriously, we will likely return to Washington after Christmas. But the 68,000 American troops in Afghanistan don't have that luxury. We ask them to bear the pain of combat. I hope we will not ask them to shoulder the weight of Washington's irresponsibility. Every man and woman who serves in this Chamber, in the one down the hall, and in the Oval Office down the street are the stewards of a sacred trust. We have all put our left hand on a Bible and raised our right hand and made a sacred pledge. Part of that pledge is to defend the men and women who put their lives on the line to defend us. If we allow the year to end without resolving sequestration, we will all be in direct and unforgivable violation of that trust. I have debated and reasoned with my colleagues, and now I beg you, do not let the year end without ending sequestration.

I urge passage of this measure.

Mr. VAN HOLLEN. I yield myself such time as I may consume.

At the outset, I just want to say to my friend, the chairman of the Budget Committee, I have great respect for him. And I hope he won't take it the wrong way, but I'm glad to have you back, and look forward to actually working with you next year. I actually hoped that we'd be able to work in a bipartisan way, starting right now. Unfortunately, that doesn't appear to be

the case, and we are engaged here in the House on this floor today in what has become a ridiculous political stunt which will actually take us much closer as a country to going over the fiscal cliff. We're wasting valuable time. The Speaker should be engaged with the President of the United States in negotiations rather than having walked away from those negotiations with the President. That walking away is becoming a bad habit.

The President put on the table a balanced budget plan that calls for shared responsibility. It calls for $1.2 trillion in additional revenues from high-income earners over the next 10 years, and $1.2 trillion in additional cuts, if you include the interest savings over the next 10 years. And by the way, Mr. Speaker, that $1.2 trillion in cuts comes on top of the over $1 trillion in cuts that have already been agreed to this year.

And to our colleague, the distinguished chairman of the Armed Services Committee, when he says that the President hasn't lifted a finger to remove the sequester on defense, that's just not true. It's just not true. In fact, the President's proposal to cut the $1.2 trillion would also remove the sequester for at least 1 year—and maybe for 10. And it's more cuts total than what we're talking about on the floor here today.

So what we really have, Mr. Speaker, is the fact that too many of our Republican colleagues still think that compromise is a dirty word. And that's what brings us to the floor today in this political exercise.

□ 1650

As has, unfortunately, been the case throughout the year, the Republican package that we're dealing with today has two objectives. One objective is to minimize the impact of the budget challenge on high-income earners and to shift that burden on the middle-income earners and working people.

The numbers tell the story, Mr. Speaker. Because if we go over the fiscal cliff, people earning over $1 million will face a significant income tax hike. But under the Republican Plan B, compared to the Senate plan that is before this House right now, the House Republican plan would give those millionaires a $50,000 tax break on average.

But do you know who would pay more under a Republican Plan B? A whole lot of middle class families. Eleven million families will see an average of $1,100 tax increase because the Republican Plan B takes away the tuition tax credit. Twelve million families will lose the enhanced child tax credit; they will face $800 more burden. EITC, 6 million families will pay more. The typical U.S. Army private—including those men and women serving us in Afghanistan today—married with a newborn infant will see a $453 increase in taxes as a result of Republican Plan B. On average, 25 million families will pay an average of $1,000 more so that 402,000 families who make over $1 million can get an average tax break of $50,000. That's the tax part of Republican Plan B.

We're here today right now talking about the cutting part of Republican Plan B. I think all of us recall during the election the Republican Presidential candidate said:

> There are 47 percent of the people who will vote for the President no matter what.

And then he went on to say:

> And so my job is not to worry about those people.

Well, you know what? The Republican sequester-cutting plan today is making their nominee's promise come true. It sends a signal that our Republican colleagues just don't care about the 47 percent. Because you know who gets hit? Here's what it would do. This is according to the Congressional Budget Office.

By the way, Mr. Speaker, this is a recycled version. We had virtually the same bill on the floor last spring; we're just doing it again. That bill did not get one single Democratic vote, and now it's brought here under the premise of some kind of bipartisan approach. The reason it didn't get Democratic support is, while they're providing these tax breaks to people making over $1 million compared to what it would be if we went over the fiscal cliff, 22 million children will face reduced or eliminated food benefits. That's according to the Congressional Budget Office. 1.8 million Americans will permanently lose their food assistance, and of those, nearly 300,000 children will lose their school free or reduced lunch program.

So what this sequester-avoidance plan does is make good on the promise that Republicans don't care about the 47 percent. That's why it didn't get any Democratic votes last spring. That's why, Mr. Speaker, I urge my colleagues to vote against it today.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

My friend started off by saying this is a farce, this is not real. This is what Congress is supposed to do.

Let's review what this legislation is or is not.

Number one, six congressional committees went through their areas of jurisdiction to look for areas where spending can be reduced—to look for areas where there was government duplication, to look for areas where there was government waste and fraud—reported out of those committees savings, spending cuts, and we package it together here. We ought to be doing this each and every year.

More to the point, Mr. Speaker, this package of spending cuts are built on top of the fact that we actually passed a budget to pay off the debt. We actually passed a budget to make sure that nobody gets a tax increase. That's a lot more than the President can say.

The President's budget was voted down unanimously in the House and the Senate. The Senate, they haven't passed a budget in 3 years. We don't just have a fiscal cliff, we have a fiscal abyss in front of us, and that is the debt crisis that is on our horizon.

Failure to address this debt crisis means not just 47 percent of Americans, but every American gets hurt. Every American gets a lower standard of living. Every American, especially the next generation, receives a lower standard of living if we don't fix this mess.

So what is this we're doing here today? We're saying we don't think the crude across-the-board sequester is good policy. We think it will harm our national security—the first and primary responsibility of the Federal Government—and we want to replace next year's cuts with even more spending cuts that we think are smart spending cuts.

The gentleman is talking about all these people who will lose food stamps and free and reduced lunches. Let me say it really clearly: Every single person who qualifies for food stamps will get food stamps. Every single child who qualifies for a free and reduced lunch will get their free and reduced lunch. What we're saying is you actually have to qualify for these benefits to get these benefits, and that's not the case today. We are spending so much money from this government that people who don't even qualify for these benefits, who make more than they should to qualify for them, are getting these benefits.

There is a lot of waste. There's a lot of fraud. There's a lot of abuse in how our Federal tax dollars are being spent, and we're beginning to rein that in with this down payment of spending cuts.

With respect to taxes, what we are trying to do here is limit the damage to the taxpayer. There's not a single tax increase that we're proposing here—not a single. What we're saying is prevent as many tax increases as possible from hitting anybody in this economy. Because you know what? It's not a very good economy. Look, elections have consequences. We understand that. I, of all people, understand that. The consequence of this election is we have a President who in every proposal he has given us has called for net spending increases along with tax increases.

He used to say we ought to cut $3 of spending for every $1 of tax increases. He's not even doing that. The latest proposals say let's raise taxes and then raise spending. Mr. Speaker, that's what got us in trouble in the first place.

With that, I'd like to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Services Committee.

Mr. BACHUS. Mr. Speaker, the gentleman from Maryland (Mr. VAN HOLLEN) says that this is political theater, that this is a waste of time. Well, let me tell you that the Financial Services

Committee has cut $35 billion of unnecessary wasteful spending. We started with bailout money, $29 billion that Dodd-Frank said, if a too-big-to-fail company goes broke, we're going to pay off their creditors and counterparties. Now, didn't the American people tell us in 2008 and 2009 what they felt about using their money to bail out creditors and counterparties? People that are making $40,000 and $50,000 a year would have to help pay $29 billion.

We also do away with the HAMP program. Now, is that a waste of time, doing away with this program? The special inspector general for TARP, the Congressional Oversight Panel, and the Government Accounting Office—the Government Accounting Office, many of those employees are your constituents in Maryland—even the editorial writers of The New York Times said—now, this is New York Times. They said HAMP does more harm than good. It's a wasteful program. Even my Democratic colleagues on the Financial Services Committee said, It doesn't work, but we can make it work. Well, let's shut it down.

□ 1700

$2.8 billion. Is that a waste of our time today?

Third, this legislation saves over $5 billion. Is that inconsequential? Is that theater? Because it gives real accountability to a government agency that right now has not, the CFPB. They have unlimited funds. Then it takes $4.9 billion in savings from just by making reforms that this Congress, this House, voted by over 400 Members to do; but the Senate, even though this will save $4.9 billion, they haven't even taken this bill up. 414 of us voted for this bill, and the Senate hasn't taken it up. But I guess I shouldn't be surprised. As the budget chairman said, they haven't passed a budget for 3 years.

My gosh, let's quit talking about this group of Americans or that group of Americans. Let's talk about America as if it's one country. Let's don't engage in class warfare. Let's don't pit one income group or one group against each other.

We're going to take a very small step today, but it's a first step, and it's not an unimportant step towards cutting the national debt. The national debt in the last 4 years has gone up 70 percent. That's a staggering amount.

Now, let me say this. Chairman Bernanke, for 6 years, but particularly the last 4 years, has come before our committee, and he said that the national debt is imperiling our economic future. Let me use his words.

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

Mr. RYAN of Wisconsin. I yield the gentleman an additional 1 minute.

Mr. BACHUS. He said:

> Our economic security is at risk if we don't cut down on the debt.

Mr. MCKEON was here speaking. Secretary Bob Gates said that it's imperiling our national security. Is that theater? Is the national debt an illusion? Americans don't think so, and today we'll start acting. We'll start acting. And we'll do something else: We'll cut taxes. We'll preserve those tax cuts, except for those millionaires, people making over $1 million, as Mr. VAN HOLLEN said. We're going to let those tax rates go back up, which is exactly what NANCY PELOSI proposed. We're going to take her proposal. And, do you know, as Mr. VAN HOLLEN says, it probably won't get one Democratic vote for something that your leader proposed 3 months ago.

That's political theater, Mr. VAN HOLLEN.

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

I wish the outgoing chairman of Financial Services would check his facts.

Ms. PELOSI, the Democratic leader, did not make a tax proposal that would give people over $1 million a year a $50,000 tax break, which is exactly what the Republican plan would do, number one.

Number two, the proposal that the President has put on the table has $1.2 trillion cuts if you include interest savings, which is more than the cuts here, and will also deal with the sequester.

Number three, the Republican proposal out of Financial Services will increase the likelihood that taxpayers have to bail out the financial industry again, not reduce it.

And number four, they strip away the independence of the Consumer Finance Protection Board so that lobbyists can meddle in exactly how they do their work so that they're looking out for lobbyists' interests rather than the interests of the American people.

So this whole approach that we're seeing right here is another example of trying to help the folks at the very top at the expense of the rest of the country.

And, Mr. BACHUS, it wasn't me making the 40 percent comment talking about dividing America. That was the comment made by the Republican candidate for President.

With that, I yield 1½ minutes to the distinguished lady from New York, a member of the Appropriations Committee, Ms. LOWEY, and I congratulate her on becoming the new ranking member.

Ms. LOWEY. And I congratulate you on the wisdom which you generously share with all of us.

Mr. Speaker, I rise in strong opposition to the bill.

Instead of putting forth a serious, comprehensive, and balanced deficit reduction plan, the Republicans are taking a timeout so the House can embark on yet another futile effort to pass portions of the Ryan budget—the same Ryan budget that would end Medicare as we know it, walk away from the caps on discretionary spending agreed to in the Budget Control Act, and has no chance of being signed into law.

Our constituents want us to negotiate and agree to a solution to avoid economic catastrophe. I have concerns with some of the proposals the President has made in his negotiations with the Speaker, but at least the President was seeking a workable compromise.

Instead, the majority walked away from the negotiating table and away from a $2.4 trillion deficit reduction package. Given everything our country has been through in the last 2 months, from Superstorm Sandy to the tragedy in Newtown, the last thing Americans need is for politicians to refuse to compromise while risking market collapse, credit downgrade, and putting the brakes on economic growth and job creation.

I urge my colleagues to end the political charade. Let's get back to the serious task of negotiating a balanced deficit reduction plan. Let's do it now, today. We can do it.

Mr. RYAN of Wisconsin. Mr. Speaker, I, too, want to add my congratulations to the fine gentlewoman from New York on becoming the ranking member of the Appropriations Committee. She has our respect and our congratulations.

With that, I'd like to yield 1 minute to the distinguished majority leader, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of our Budget Committee.

Mr. Speaker, I rise today to urge support for the measures before us to replace the sequester and reduce the deficit and to extend permanent tax relief for the middle class and hundreds of thousands of small business people.

For the past weeks and months, as people have been looking for jobs and budgeting for their expenses, we've been working to keep taxes from going up and offering commonsense spending reforms. The Spending Reduction Act at issue today reduces our deficit and protects our national security by replacing indiscriminate cuts that are neither strategic nor balanced.

Mr. Speaker, we all agree that our current spending path is unsustainable and poses a real threat to the economy, to job creation, and to our ability to remain competitive in the global economy. We must address the underlying issue that faces this country, which is the mounting deficit and load of debt that we are going to leave to this generation and the next. But the President has been unwilling to consider serious spending cuts or offer a serious and balanced plan to avoid the fiscal cliff.

The risks of unchecked spending are grave. The consequences of our debt crisis will be felt by every student looking for a job that matches their skills after graduation, by every retiree counting on Social Security and Medicare, and by every small business owner looking to expand and hire.

We have passed bills and put forward reforms that would save programs like Social Security, Medicare, and Medicaid from certain and predictable failure, yet we cannot find cooperation,

Mr. Speaker, from the White House or the other side of the aisle to help solve these problems.

It is unfortunate that we find ourselves in this place just 11 days from the new year. For months, we have been ready and willing to work with the President to prevent the fiscal cliff from impacting small businesses and hardworking families.

The math shows that the President's push to hike taxes won't reduce the deficit, and, left unchecked, his government spending will bankrupt our future. Our plan will protect 740,000 additional small businesses that would otherwise be hit by the tax hike the President is proposing.

We don't believe taxes should go up on anybody, but if we can prevent taxes from going up on as many people as possible, on 99.81 percent of American families and small businesses, we must and need to do so.

Americans are looking for jobs, small businesses are deciding whether they should hire or invest in growing, and many Americans are struggling to make ends meet. We are all committed to creating an economy where everyone has an opportunity to succeed.

House Republicans are offering a plan today similar to one that received 53 Democratic votes in the U.S. Senate only 2 years ago, and the Spending Reduction Act is a serious start toward reducing our deficit and protecting our national security.

□ 1710

Absent a balanced offer from the President, this is our Nation's best option, and Senate Democrats should take up both of these measures immediately.

The President has a choice, Mr. Speaker. He can support these measures or be responsible for reckless spending and the largest tax hike in American history.

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

What is unbalanced is the Republican package that we see on the floor today. We already talked about the numbers of the Republican Plan B tax proposal which compared to going over the fiscal cliff and the Senate alternative would actually provide millionaires with a $50,000 tax cut on average while 25 million American families will actually see a tax increase of $1,000 on average, including, Mr. Speaker, some of our soldiers on the front line in Afghanistan today.

The majority leader talked about doing the math. Then do the math on the tax plan, because that's exactly what it shows. What the President has called for is a balanced plan that asks for the wealthiest to share the burden of our deficit challenge and make sure that we get our economy in full gear.

With that, I yield 1½ minutes to the distinguished ranking member of the Ways and Means Committee, Mr. LEVIN.

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

Mr. LEVIN. I did not know that I would follow the distinguished majority leader.

I just want to say, and I mostly want to talk about Plan C, but for him or anybody else to come on the floor and say that the President hasn't proposed spending cuts isn't true, and it undercuts the necessary level of trust to find common ground. That kind of a statement should not be made.

I sat in the Rules Committee for 3 hours and participated for 2 hours last night. There was no reference to Plan C, and it came up just a few minutes secretly before midnight. The purpose of Plan C is to try to get votes for Plan B within the Republican Conference. What it does is to undermine the Affordable Care Act by eliminating the true-up protections, and the joint task committee says it would result in the loss of health insurance coverage for 420,000 people. It would also repeal the Social Services Block Grant which provides services for millions of Americans.

It wasn't many years ago when Chairman CAMP wrote:

> SSBG has been a key source of flexible funding for critical social services.

So now in a desperate effort to find votes for Plan B, you turn your back on that.

Finally, it would harm millions of low-income families and their kids. The estimate is it would affect 1 million families and more than 3 million kids.

Searching for votes for Plan B with that kind of an approach, I think, is abominable.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Maryland has 17½ minutes remaining, and the gentleman from Wisconsin has 15½ minutes remaining.

Mr. VAN HOLLEN. I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, the Republican majority needs to do what Americans do every day in labor negotiations and real estate offices and other places around this country, and that's to negotiate rather than simply restate their position.

The President asked for higher tax rates on income above $250,000, and he compromised and moved it up to $400,000. The President started with a spending cut number that was $500 billion or $600 billion, and he moved it up to $1.2 trillion. And he included within that a very controversial proposal dealing with Social Security increases.

The President has compromised. The Republicans once again are simply regurgitating their same old position, a tax provision that has a $50,000-a-year tax cut for millionaires and a tax increase for 25 million working families, including servicemembers and their children, and a proposal that cuts jobs on transportation projects, daycare centers, and nursing homes across the country.

We should stop wasting our time on one-sided bills, follow the President's lead, lift our sights higher, and negotiate. That is the way out of this conundrum. And I would urge my friends on the majority side to stop pontificating and start negotiating.

Mr. RYAN of Wisconsin. I yield myself 30 seconds to say, Follow the President's lead? I wish he were leading.

The gentleman from Michigan said he's offered all these specifics. I wish it were so. Where are they? We hear numbers, we hear platitudes, we see budget gimmicks and accounting tricks; but we don't see specifics. We have yet to see a specific solution from this President to deal with his debt crisis.

He's claimed he wants to cut $3 of spending for every $1 of tax increase. We've seen a lot of specific tax increase proposals come from the President, but we haven't seen a specific spending cut proposal from the President. That's the problem.

With that, Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise in support of this legislation.

It's no secret we're facing a severe debt crisis right now. We're at the $16 trillion mark in debt piled up. If we don't act quickly, we'll be passing a crushing burden along to our children and grandchildren. Reducing government spending is never an easy task. We face difficult choices, but House Republicans have lived up to our responsibilities to find ways to cut our costs so that we can once again live within our means.

The Agriculture Committee did its part by finding $33 billion in savings over 10 years. We did this by making credible, commonsense reforms to the supplemental assistance program, SNAP—food stamps if you want to call it that. These provisions reduce waste and abuse and close program loopholes.

I'd like to make it absolutely clear that none of these recommendations will prevent families that qualify for assistance under SNAP from receiving those benefits. Think about that. All they have to do is demonstrate their income level, demonstrate their asset level, fill out their paperwork, qualify, and they will receive their benefits. We're working hard to better target the program and improve its integrity so that families in need can continue to receive nutrition assistance.

Every one of these provisions represents common sense and good government in times of fiscal restraint. I would also like to note that the policies included in this bill are not the

only changes that the House Agriculture Committee has passed that would cause deficit reduction. In July, the Ag Committee passed a comprehensive farm bill by a strong bipartisan vote, a majority of Republicans and a majority of Democrats. The bill will save $35 billion in the agricultural baseline. Our bill makes reforms to commodity programs, conservation programs, as well as significant reforms to the food stamp program.

My committee is doing everything it can to provide a variety of options for all sides and all parties to consider. We've made workable reforms to all programs within our jurisdiction, saving taxpayers billions of dollars. We want to be a part of the solution. We have proven time and time again we're willing to do our part.

Again, I urge my colleagues to adopt these reforms. Yes, it means you'll have to apply. Yes, it means you'll have to demonstrate your assets and your income. But if you're qualified, you will receive the help you need. You just have to demonstrate you need the help. Is that unreasonable?

□ 1720

With a $16 trillion deficit—is that unreasonable?—and with a $1 trillion annual spending deficit? Demonstrate you need the help and we'll help you. That's not unreasonable.

Mr. VAN HOLLEN. Mr. Speaker, a couple of points here.

First, the chairman of the Budget Committee said that the President hadn't put any specific spending cuts on the table. That's just not true. His proposal has been available to the public for well over a year now. As to just one specific proposal, the President has said we should get rid of excessive agriculture subsidies. He has called for $30 billion on that item alone.

Mr. RYAN of Wisconsin. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman.

Mr. RYAN of Wisconsin. I meant ''net.''

Mr. VAN HOLLEN. In reclaiming my time, that also is not true, and on that, we will have a longer discussion.

The reality is ag subsidies are one very concrete example. Interestingly, this bill that our Republican colleagues have brought to the floor, again, while cutting deeply into the food and nutrition programs, doesn't take one penny from ag subsidies for agrabusinesses.

Now, Mr. Speaker, it's also important to correct another statement that has been made by both the chairman of the Budget Committee and the chairman of the Ag Committee with respect to the food program. I think the chairman knows that the SNAP statute provides in statute two routes for people to be eligible for food and nutrition assistance—one is the specific income and asset test, or they can become eligible under the SNAP statute based on participation in other programs in which they have to show income-based need.

Nobody wants fraud. We should find every dollar of wasted money and get rid of it, but don't pretend that people who qualify under the statute are engaged in fraud. What you're proposing to do in this Republican bill is to deny millions of those people on nutrition programs their legal support, and we do not think we should be doing that. At the same time, we are giving millionaires a $50,000 average tax cut.

With that, Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague from Maryland.

Mr. Speaker, Republicans are, once again, trying to undermine the recovery of the American middle class. House Republicans have rejected a balanced approach to addressing our deficits and, instead, have opted for draconian cuts to the people who can afford them the least in an effort to protect the wealthy. The Republican plan may as well be called the ''reverse Robin Hood agenda,'' by which they take from the poor to give to the rich:

It starts by literally taking food out of the mouths of children by cutting the critical Supplemental Nutrition Assistance Program, SNAP;

Next, they move on to one of their favorite pastimes—trying to repeal the Affordable Care Act, specifically the provisions that help make health care more affordable for women, children, seniors, and the poor; 300,000 low-income children will lose access to health care thanks to cuts to Medicaid and to the Children's Health Insurance Program. Women will lose access to critical health services covered in the ACA, like cancer screenings and immunizations;

Finally, the last step is to go after another favorite GOP target, and that's Social Security.

Mr. Speaker, House Republicans have only one constituency to protect, and that's the wealthiest Americans. It couldn't be more obvious.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 3 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Today, we take a stand for future generations as we work to get our $16 trillion national debt under control and as we put ourselves on a path towards a more sound fiscal future.

In the Spending Reduction Act of 2012, we identified key areas to sensibly reduce spending in the effort to replace the blunt instrument known as the ''sequester.'' Without this thoughtful, balanced package of savings, in 2 weeks the sequester is going to cut discretionary spending indiscriminantly while shielding the lion's share of the government's budget from reductions.

Critical priorities, such as important cancer research at the NIH and FDA review and inspection budgets to help keep foods and medicines safe, are on the chopping block because we have failed to engage in a substantive discussion on reforming entitlement programs that, in fact, threaten to derail the long-term solvency of the U.S.

I am proud of the work of our committee. It has identified over $100 billion in savings over the next decade, and we accomplished it in a sensible, responsible manner. We say enough is enough to the litany of slush funds tucked into ObamaCare, slush funds that we discovered, through aggressive oversight, to be blank checks given to HHS that are going to cost taxpayers billions of dollars.

We made commonsense changes to Medicaid that are going to put important programs on firmer ground. Among other reforms, we eliminated the Medicaid maintenance-of-effort requirement. This Federal mandate impedes a State's ability to implement program integrity measures, and it actually weakens the safety net by making it more difficult for States to target resources to the most vulnerable Americans. We achieved significant savings, as well, in something that was noticeably absent in the President's health care law, that being tort reform. The President declared in his 2011 State of the Union Message:

> I am willing to look at other ideas to bring down costs, including one that Republicans suggested last year—medical malpractice reform to rein in frivolous lawsuits.

After 2 years of empty promises, now is the time for the President to fulfill that pledge and to finally put doctors, patients, and taxpayers first. That's in this bill.

The House passed a budget and now legislation again that truly cuts spending to offset the automatic spending cuts, or sequester. Our debt grows by nearly $4 billion a day, and it's our kids and our grandkids who are going to pay the price if we stand by and do nothing. Without action, a $20 trillion debt could soon be a reality.

So, if not us, who is going to do it? If not now, when is it going to happen? Our work is not easy, but it's necessary. It's time to make the tough choices to get this deficit down. Let's vote for this bill.

Mr. VAN HOLLEN. Mr. Speaker, I now yield 1½ minutes to the gentlelady from California (Ms. WATERS), and I congratulate her on becoming the ranking member of the Financial Services Committee.

Ms. WATERS. Thank you very much.

While it is clear that the Republican majority's H.R. 6684 is an attempt to generate votes for Speaker BOEHNER's Plan B, when it comes to protecting the American middle class from another taxpayer bailout, H.R. 6684 gets a failing grade:

First, the plan repeals our financial regulators' existing authority, which was created in the Dodd-Frank Wall Street Reform Act, to end the era of too-big-to-fail institutions;

H.R. 6684 would also tie the hands of the Consumer Financial Protection Bureau, an agency we formed under Dodd-

Frank to make sure financial institutions play by the rules when it comes to mortgage and student loans, credit cards, and payday lenders. H.R. 6684 would eliminate that independent funding and, instead, tie their hands by making the Bureau basically have to go through the appropriations process;

The plan likewise eliminates the Office of Financial Research, an Agency tasked with collecting information on the health of our financial markets and conducting research on financial stability issues;

Finally, H.R. 6684 would just kill the Home Affordable Modification Program. We need to improve our ability to do loan modifications, not kill it.

It is unfortunate that, at the end of another session of Congress, the Republicans are again playing with the U.S. economy when they should be working in a bipartisan manner with the House Democrats in order to avert the fiscal cliff.

Ladies and gentlemen, I know that many of you didn't know that all of this was in this bill; but we have this plan, this orderly way, of dissolving these financial institutions when they put our economy at risk. So vote ''no'' on this particular bill.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. VAN HOLLEN. May I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Maryland has 11½ minutes remaining, and the gentleman from Wisconsin has 9 minutes remaining.

Mr. VAN HOLLEN. Mr. Speaker, I will just say a few words again about the priorities reflected in this Republican package.

If you look at Plan B, the tax part, you're giving people who earn over $1 million a year on average a $50,000 tax cut compared to what it would be under the Senate proposal. At the same time, under this proposal that we're talking about here on the floor of the House, you're talking about eliminating important support in food and nutrition programs for millions of Americans, including for 300,000 kids who would no longer be on school lunch programs.

□ 1730

What this boils down to once again, Mr. Speaker, is a question of priorities. We've got to reduce our deficit, and we've got to get the economy moving again. But we have to deal with the deficit in a balanced way, not in a way that provides additional tax breaks to the wealthiest Americans at the expense of the rest of the country.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1 minute.

The food stamp program has grown over the last 10 years by 270 percent. That's far in excess of the recession. With these kinds of reforms, it will have grown by 260 percent. Hardly the kind of draconian cuts the gentleman seems to suggest. What we're saying with these programs is that you need to be eligible for the actual benefit to receive the benefit. That's not asking too much. If we can't put commonsense reforms like this in place, we'll never get anywhere in dealing with this debt crisis.

The gentlelady from the Financial Services Committee says it's just wrong to submit the Consumer Financial Protection Bureau agency to the appropriations process. I find that an amazing critique.

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

Mr. RYAN of Wisconsin. I yield myself another 30 seconds.

This is an agency that gets its money from the Federal Reserve without ever having to go through Congress. When we uphold the Constitution to take office, let's never forget that the power of the purse lies in the legislative branch. All of these executive agencies should have to go through the appropriations process. That's not gutting a program; that's bringing accountability to a program.

With that, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in support of the underlying bill, H.R. 6684, the Spending Reduction Act of 2012, because as Chairman RYAN said, we are not only facing a fiscal cliff, but as he put it, we're facing a fiscal abyss. Indeed, if you will, a fiscal Grand Canyon.

I want to address my remarks to title IV of the bill, which was just referenced by the chairman of the Energy and Commerce Committee, the gentleman from Michigan. That's the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012, or the HEALTH Act, to implement reasonable, comprehensive, and effective health care liability reforms; indeed, exactly what the President has been calling for for the last 5 years, even in the first election when he was campaigning and speaking to the American Medical Association in Chicago.

As a physician for over 30 years, I fully understand the importance of finding balance in medical liability by keeping doctors and hospitals accountable for their actions while limiting the frivolous lawsuits that contribute to inflated health care costs and rising insurance premiums. We need to reform the system so that patients who have been duly wronged receive a deserved settlement but, at the same time, protect our Nation's physicians who work hard every day to ensure that their patients receive quality care.

Therefore, I once again introduced the HEALTH Act in this 112th Congress to ensure that those who have valid liability claims are supported while, at the same time, discouraging the practice of jackpot justice.

If enacted, this title in H.R. 6684 would make health care delivery more accessible and cost effective in the United States by limiting the amount of patient awards that are available for plaintiff attorney's fees. Among other things, the legislation would ensure that all settlements against medical providers are proportional to their responsibility for the patient's injury.

Mr. Speaker, the nonpartisan Congressional Budget Office has stated that if the HEALTH Act were enacted, the Federal Government alone would save $48 billion over the next 10 years. Other studies have shown the savings to be much higher, some as high as $200 billion annually over all of health care, which indeed constitutes, as my colleagues know, nearly one-fifth of our entire economy.

Tort reform will also help end the practice of defensive medicine, which is one of the largest cost drivers of health care. When physicians are forced to order these excessive tests simply to avoid malpractice suits, health care costs go up and patient safety goes down.

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

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

I wholeheartedly believe that the HEALTH Act takes an important step to improve health care delivery in this country. This is the kind of commonsense, market-based reform that a health care system requires.

Mr. Speaker, I fully support H.R. 6684 and, more specifically, the immense benefits that the HEALTH Act will not only have on the Federal budget but on the health of our Nation.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume. Let's talk a little bit about what this Republican package will and will not do with respect to health issues.

First of all, while their bill would replace much of the sequester, they leave in place the 2 percent across-the-board Medicare cut. Let me say that again. Despite all the talk we're hearing today on the floor about their efforts to replace these across-the-board cuts, they leave them in place for Medicare, which will hit providers and have an impact on the Medicare system.

Second, with respect to children's health, they cut about $20 billion from Medicaid and the Children's Health program over the next 10 years, even though those programs are protected from the sequester. So if we were to go over the fiscal cliff—which apparently is the way our Republican colleagues want to take us right now because we're not down talking with the President but we're here on the floor. If we go over the fiscal cliff, those children's health care is protected. But if we adopt the Republican proposal, those children will actually see less health security. In fact, according to the Congressional Budget Office, in 2015, there will be 300,000 children who no longer have coverage under the Children's

Health Insurance Program. That's what they're proposing here, even as their tax Plan B provides millionaires with an average tax break of $50,000 compared to the Senate plan, and even though their tax plan, while providing millionaires that average rate compared to the Senate plan, is going to increase the tax burden on 25 million families. So an average tax cut for millionaires of $50,000 compared to the Senate plan, and at the same time a sequester proposal that would result in 300,000 kids in the year 2015 losing their Children's Health Insurance coverage, according to the Congressional Budget Office.

There you have, Mr. Speaker, the priorities in the Republican plan. That's not balance.

Look, the reason we're here is because our Republican colleagues refuse to compromise. They bring this bill to the floor in the name of a productive contribution to compromise when this virtually identical bill did not get a single Democratic vote last spring—not one. And that's compromise?

The Senate has already said it's not going to take up this bill. That old bill has been sitting over there, and the President has said he would veto it. We are wasting the people's time, Mr. Speaker. It's time for the Speaker of this House to negotiate with the President.

Now, we know what the problem is. There's this book, Mr. Speaker, which is very aptly titled, ''It's Even Worse Than It Looks.'' This book was written by two scholars of the Congress, one person in a Democratic-leaning think tank and the other in a Republican-leaning think tank. Here's what they say, and they say it with great regret. They say:

> The problem is that in the House today, we have a Republican Party that's become an insurgent outlier, ideologically extreme, contemptuous of the inherited social and economic policy regime, and scornful of compromise.

That's from two independent, nonpartisan scholars. And, Mr. Speaker, that's exactly the problem we've got here today.

□ 1740

It's time for the Speaker to actually follow the good counsel of many members of his caucus. Either take up the Senate bill and pass it, or let's get serious and negotiate with the President, who's put forward a balanced plan, a plan, as many of my colleagues have said, that a lot of Democrats don't like.

In fact, there are going to be Democrats who don't vote for even the proposals the President's put forward already. Many are still reserving judgment.

That's the test of compromise, not a bill that comes to the floor that's never had a single Democratic vote. That's not compromise.

The American people want us to work together. Let's stop playing these political games, Mr. Speaker. Let's not bring to the floor of the House bills that have never gotten a Democratic vote before, and which the President has already indicated he will veto because they fail the important test of balance.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, let me just say, over the past decade Medicaid spending increased by 150 percent. Over the next decade it's projected to increase by 225 percent, and an effort to slow the increase is called a cut. That's our problem.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA), the chairman of the Government Reform and Oversight Committee.

Mr. ISSA. Mr. Speaker, shame on this body. We have a $10 trillion hole in the difference between our spending and our revenue, and we can't find a way to compromise?

The gentleman from Maryland said that it didn't receive a single Democratic vote. This is the most humble and minimal proposal I could imagine. The chairman of the Budget Committee, himself, would recognize that we're not getting close to a balanced budget with this. We're simply making a down payment on it.

My committee marked up one of the largest portions of these improvements, which aligns the Federal workforce's compensation, including Members of Congress and their staffs, a little closer to the rest of the workforce, a little closer to the rest of hard-working Americans, and yet we can't get a single Democratic vote.

I say to the Democrats, quite frankly, shame on you for not being able to make a down payment on a $10 trillion shortfall. And to my colleagues on the Republican side, this isn't enough. This isn't nearly enough, but at least we're showing that we don't have a partner in the White House and we don't have a partner in this body that will work with us to begin a down payment on $10 trillion worth of shortfall.

In closing, even if, in fact, the President got his original wish, that we were going to go over the cliff and raise $538 billion in new revenue, we would still have $500 billion worth of excess spending that has built up since Bill Clinton left office.

I hope the American people are watching. I hope they'll demand that we do more than just make a small down payment and then argue about it; that, in fact, we need to address $10 trillion over 10 years—$1 trillion a year—and we're not even beginning to do that.

I hope that this will pass, because, in fact, we need the Democrats to realize this is only the beginning of what will be a much tougher, tougher effort on behalf of the American people.

Mr. VAN HOLLEN. Mr. Speaker, it's true that our Republican colleagues are not going to have a partner for a totally lopsided, unbalanced approach, that, once again, minimizes the responsibility of the wealthiest of the country at the expense of everybody else.

I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Financial Services Committee.

Mr. FRANK of Massachusetts. The previous speaker complained about not being willing to make cuts. That's right after the House is apparently about to vote on a defense bill in which Members boasted about how they were putting weapons systems into play that the Pentagon didn't want, far more expensive than the kinds of things I've been concerned about.

What troubles me most about this, and it's a tough choice, is the attack on the Consumer Financial Protection Bureau. Now, I know my Republican colleagues hated the idea of an independent bureau responsive to consumers and not financial institutions. We created an independent one. They didn't have the votes to stop it. They don't have the willingness to take it on head-on.

This buries in this large bill, which isn't subject to amendment, a provision that would take away the independence of the consumer bureau. It would say that they are now going to be subject to annual appropriations.

Oh, but I'm told that's a matter of principle. But it's apparently not a matter of principle for a financial regulatory institution that the bankers like.

I offered a motion in committee to subject the Federal Reserve System to annual appropriations. That was voted down by the Republicans.

Oh, the consumer bureau, that's dangerous. There they go getting people refunds on credit cards. But the Federal Reserve, oh no, they can stay autonomous. The controller of the currency, the Federal Deposit Insurance Corporation. So this strong principle my Republican colleagues discovered only came to light when we try to protect consumers. And with regard to every other financial institution, they say it's okay.

They also would abolish the Office of Financial Research, a nonpartisan entity that's just to get information. There was a wide consensus that we had a problem in the first part of the century when we didn't know what has happening. The Republicans want us to vote for continued ignorance.

Mr. RYAN of Wisconsin. May I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Wisconsin has 2 minutes remaining, and the gentleman from Maryland has 3½ minutes remaining.

Mr. RYAN of Wisconsin. I'll reserve the balance of my time since we have no more speakers for closing, and leave it to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Let me thank the Speaker for the service that he's given to the Congress.

Some day someone may review our conduct here in the House, and one of the speakers on the other side, I guess he's gone, but he said shame on the Congress. I just wanted to join with him on that.

But I also want history to record that they may ask what the heck was RANGEL doing down there when this was going on? What happened?

And I hope the RECORD is abundantly clear that this was outlined in a campaign. It was a Presidential campaign. And the President said that as a result of America getting into wars and not paying for it, and as a result of wrongdoing in Wall Street, and the result of a whole lot of people getting out of work, that we had to have a program to raise the money and to pay down on the deficit by cutting back programs.

It seems as though what has happened here is that the Republican Party missed something. Maybe it was election night. Maybe it was a small group of the Republican Party. But they really didn't believe, or don't believe that the President won.

And this whole idea of protecting 2 percent of the population actually was on a vote. The people voted, and the President said he was going to protect 98 percent of the taxpayers. And so somehow this is not being understood.

Further from that, if you have to have more savings, and I agree that we do, why would you go, of all places, to the most vulnerable?

My friend from Wisconsin often tells me how fast food stamps have arisen in the last 2, 4, 6 years. I wonder whether he's ever taken time to find out whether there's any relationship between the increase in unemployment and increase in food stamps.

So I just want to be recorded, Mr. Speaker, this ain't for real.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the distinguished ranking member from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, and my colleagues, we've seen this business all over and over again from the Republicans. Plan B, Plan C. Let's work on a bipartisan agreement to avoid the fiscal cliff.

But what they presented to us today would slash Medicaid, which will hurt hundreds of thousands of people, including cutting off 300,000 children from health insurance, hurting some of our most vulnerable citizens. It would impede implementation of the health reform law that's already benefiting millions of Americans.

It fails to protect Medicare from billions of dollars in cuts under the sequestration. It establishes a Federal medical malpractice system trampling on the rights of States. It undermines our future health by cutting today's prevention and public health investments.

This is so unacceptable. We have nothing to solve the looming physician payment cuts.

These are exactly the same Republican proposals that were rejected by the American people. They don't want more tax breaks for the millionaires and billionaires and big corporations paid for by cuts to our poorest Americans.

□ 1750

Mr. VAN HOLLEN. I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I want to thank the gentleman for yielding.

I know that people may be confused by some of this debate, so I just want to bring some common sense to it.

In every instance, A is the preferable option. Whether you get your ticket to heaven or you get to go free or you get the present you want under the Christmas tree, when somebody suggests to you option B, it's something less than the best.

We have the very best country on the face of the Earth. We're the wealthiest, strongest, most powerful nation in the world. And what they're asking us to do is to choose, rather than a grand bargain to put our fiscal house in order, they want us to go with Plan B.

I hope that the House would reject Plan B. Doing something less than our best as a Nation is not worthy of this House. It's not even worthy of the majority to bring this here today, because they know it's not going anywhere. We know it's not going anywhere. And if we want to move our country forward, which is what the American people voted for on the last Election Day, we need to choose the A option rather than Plan B.

Plan B is not the way to go unless we're trying to get in second place to countries like China and others. If we want to stay in the lead, we need to get our fiscal House in order and reject this Plan B.

The SPEAKER pro tempore. All time on the Democratic side has expired. The gentleman from Wisconsin has 2 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, let's take a step back to remind us where we are.

On January 1, if we do nothing, every American taxpayer will see a massive tax increase. That will dramatically hurt our economy and families. Then, on the next day, we'll face a 10 percent cut in our defense budget.

Americans chose divided government, whether it was intended or not. The President won. The House is still a Republican House. We're going to have to find a way to make this work. This is what we're attempting to do today. We want to avert this crisis, this cliff, but that means to begin to get spending under control, that means to prevent as many tax increases from hitting Americans as possible.

My friend—and I mean this sincerely—my friend from Maryland says we need a balanced approach. The President, in all of his latest proposals, says more taxes and even more net spending. Hardly a balanced approach.

Here's the problem: Our problem is not balanced. Even if all the current tax rates are extended, those taxes still go up. The problem is spending goes way up. Spending is our problem.

The size of our government will double over the course of this generation as a share of the economy. The President has shown no leadership on dealing with the drivers of our debt. We have. We have passed our budget. We put the specifics out there.

Let's avert a fiscal cliff and let's get on to the business of preventing the fiscal abyss, which is the coming debt crisis that will not be resolved until we have real leadership; and that, unfortunately, is sorely lacking.

With that, I urge passage of this. Let's prevent taxpayers from tax increases, get a down payment on spending cuts, and let's pass this bill.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 6684, the Spending Reduction Act of 2012. This bill is essential in stopping the devastating across-the-board sequestration cuts set to take place across the entire federal government in just a few weeks. Half of those cuts would come from the Department of Defense and our national security programs.

The Department of Defense, industry, and the Congressional Defense Committees, have repeatedly and consistently warned of the consequences of letting sequestration take place. If allowed to happen, the impact to the Department of Defense would be a reduction of 8.2 percent or $54.6 billion from the fiscal year 2013 budget. The total sequestration reduction for Defense through fiscal year 2021 amounts to roughly $492 billion—almost half a trillion dollars.

With military pay and personnel costs exempt from the cuts, the actual cut to all other accounts increases to 9.4 percent. Even though the Department of Defense has some limited flexibility to allocate sequestration cuts in the operating accounts, a computer will cut all procurement and research accounts proportionally—which will directly impact more than 2,500 programs and projects. The impact on our national security and readiness will be severe.

Base operating budgets will be cut, negatively impacting readiness. Training could be significantly reduced, resulting in unprepared troops and higher risk to those who deploy. Civilian personnel will certainly be affected, possibly resulting in hiring freezes and unpaid furloughs. Fewer weapon systems will be bought, which starts a vicious circle of rises in unit prices for the remaining weapons. Other major weapon systems will be reduced or terminated, and current contracts may have to be terminated or renegotiated, resulting in additional costs to the government and a loss of favorable contract terms in some cases. Procurement and Depot Maintenance schedules will be severely impacted, which is enormously disruptive, especially in shipbuilding and maintenance when future deployments rely on maintaining schedules.

Earlier this year, Secretary of Defense Leon Panetta testified that the impact of sequestration on the Department of Defense alone would drive up our nation's unemployment rate by a full percent. Jobs will be lost but more importantly, infrastructure and manufacturing capabilities critical to our national security will be lost. Already prime contractors have

notified their suppliers and subcontractors that programs are on hold. This has left thousands of small businesses with no choice but to close their doors and lay off workers as work orders have dried up.

Our nation's manufacturing base relies upon these workers and their special skills. We rely on these small businesses to supply critical components for important weapons systems and platforms.

Mr. Speaker, as you know, the impact of sequestration is very real and is very imminent. Just consider that if sequestration remains in place for its full nine years, our nation will be left with the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest Air Force in history.

When we talk about the impending cliff, these across-the-board cuts to our defense budget will result in not only an economic fiscal cliff, but of greatest concern to me, a cliff off which our national security will fall. This will impact our readiness, our ability to defend our nation, and our ability to ensure the safety of our all volunteer force as they operate around the world.

Mr. Speaker, I want to commend you for keeping the impact sequestration will have on our nation's security at the forefront of your negotiations with President Obama. We cannot, and we must not, let these devastating cuts happen. Unfortunately, only the House has acted to do anything about it, passing a bill on May 10 and considering this bill today. I urge my colleagues in the House to approve this legislation today and for the Senate to follow suit quickly to ensure that sequestration does not become a stark reality just 13 short days from now. Failing to take action will cause irreversible harm to our nation's security and violate our Constitutional responsibility to "provide for the common defense."

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 841, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. VAN HOLLEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. VAN HOLLEN. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Van Hollen moves to recommit the bill H.R. 6684 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

TITLE VIII—DISCLOSURE OF HIGHER BENEFICIARY COSTS AND PROVIDER CUTS UNDER MEDICARE, MEDICAID, AND CHIP CUTS

SEC. 801. DISCLOSURE OF HIGHER BENEFICIARY COSTS AND PROVIDER CUTS UNDER MEDICARE, MEDICAID, AND CHIP CUTS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall publish, on the public Internet Web site of the Department of Health and Human Services, the information described in subsection (b) with regard to each congressional district in the United States (including the District of Columbia and each of the territories of the United States).

(b) REQUIRED INFORMATION.—The information described in this subsection, with respect to a congressional district, is—

(1) the number of Medicare beneficiaries in such district, the number of Medicaid beneficiaries in such district, and the number of Children's Health Insurance Program beneficiaries in such district, who, at any time during the ten-year period beginning on the first day of the first fiscal year that begins after the date of the enactment of this Act, will—

(A) lose coverage under the Medicare program under title XVIII of the Social Security Act, under a State plan or waiver under the Medicaid program under title XIX of such Act, or under a State child health plan under the Children's Health Insurance Program under title XXI of such Act, respectively, as a result of the implementation of this Act; or

(B) experience an increase in premiums, cost-sharing, or other out-of-pocket costs under such respective program as a result of the implementation of this Act; and

(2) the name and location of each hospital and nursing facility that would experience a reduction in payments under the Medicare program, a State plan or waiver under the Medicaid program, or a State child health plan under the Children's Health Insurance Program as a result of the implementation of this Act.

TITLE IX—END TAXPAYER SUBSIDIES FOR BIG OIL

SEC. 901. DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES NOT ALLOWED WITH RESPECT TO OIL AND GAS ACTIVITIES OF MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 199(d)(9) of the Internal Revenue Code of 1986 is amended by inserting "(9 percent in the case of any major integrated oil company (as defined in section 167(h)(5)(B)))" after "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2012.

SEC. 902. PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)(5)(B)) may not use the method provided in subsection (b) in inventorying of any goods.".

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2012.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after December 31, 2012—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

SEC. 903. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS OF MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Thank you, Mr. Speaker.

The chairman of the Budget Committee began his closing remarks by saying, "Let's take a step back." Unfortunately, Mr. Speaker, that's exactly what this package of bills does for the country; it takes us many steps back. And the reason it takes us back is because the Speaker of this House has backed out of negotiations with the President for a balanced approach to dealing with our deficit and making sure that we accelerate economic growth and job creation in this country.

The issue has never been whether or not to reduce our long-term deficit. The question has always been: How? And how you do it reflects your priorities. The President has made clear his priority is not to give higher income individuals another tax break relative to what would happen if we went over the fiscal cliff, and yet that's exactly what this package of proposals would do.

□ 1800

I've used this chart a couple of times, Mr. Speaker. I'm going to use it again, and with good reason, because no one has or can dispute the facts in this chart.

The reality is, while folks who earn more than $1 million a year, about 402 families in this country—and God bless them, we want people to keep making more money; the issue here is shared responsibility for reducing our deficit—under the Republican plan relative to the Senate bill, they're going to get a $50,000 average tax break, while over 25 million Americans will see an increase in their tax obligation compared with where we are today. We don't think that's balanced. That's not even balanced within their tax plan.

At the same time, they bring to the floor today a bill, a sequestration bill

that, by the way, leaves in place the cuts to Medicare and then cuts support for kids on food stamps and children under the health insurance bill, groups that, frankly, would be protected if we went over the fiscal cliff under current law.

So, Mr. Speaker, this is a question of priorities. So what this motion to recommit does is say, you know what, we think it's time that we end the taxpayer giveaways and subsidies to the Big Oil companies. My goodness, why should all of us be providing them one more round of tax breaks? Gas prices are high, their profits are going through the roof, taxpayers should not be subsidizing that. And we certainly shouldn't be subsidizing that when we have before us a bill that removes about 300,000 kids from the school lunch program and removes about 300,000 kids from the Children's Health Insurance Program in the year 2015, according to the Congressional Budget Office.

So, again, this is about priorities. What this very simple motion to recommit does, in addition to asking that oil companies no longer keep getting taxpayer subsidies, is just to disclose to the public what the impact of these cuts will be on citizens throughout this country. It says, tell us what the impact of the Medicare and Medicaid and Children's Health Insurance Program cuts will be on kids and others in our congressional districts.

At the very least, we should know what we're doing. The Congressional Budget Office had told us, but anybody who thinks that that independent, nonpartisan group has its projections wrong, we'll get a real world check. So this is simple accountability. This is understanding what the impact of your vote will be. So I would hope that our colleagues would recognize that at this time, when oil companies are doing just great, they don't need welfare from the U.S. Government.

We should also understand very clearly what the impact of these cuts will be because the projections by the nonpartisan Congressional Budget Office are that it's going to have a very serious negative impact on kids' health, as well as in terms of the support under the preventive health fund for women around the country. So, for example, with the $10 billion cut to the prevention fund, 326,000 women would not get breast cancer screenings; 284,000 women would not get cervical cancer screenings they are slated to receive in 2013.

These cuts have real impact. So the question is not whether to make cuts—we have to make cuts. The President has put $1.2 trillion in additional cuts forward on top of the $1 trillion. We're just asking for balance. We're asking for common sense in our priorities. I urge people to support the motion to recommit.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I enjoy this. It's good reading. It has a very rich irony, ''Title VIII. Disclosure of higher beneficiary costs from provider cuts under Medicare, Medicaid, and CHIP cuts.'' Where was this when they passed ObamaCare? Where was this need for disclosure on the beneficiaries of Medicare when they took $716 billion from Medicare to spend on ObamaCare? Where was this concern when they raised $1 trillion in taxes to pay for ObamaCare? Where was all of this need for disclosure when they were hitting providers and beneficiaries in Medicare to pay for their vaunted ObamaCare program?

The gentleman talks about cuts to food stamps and Medicaid. Food stamps will have grown by 260 percent instead of 270 percent under this bill. Medicaid has grown by 150 percent over the last decade, and it is projected to grow by 225 percent over the next decade. Slowing the growth of spending isn't a cut, it's slowing the growth of spending. This is our problem, Mr. Speaker. If we lambaste these commonsense ideas as draconian cuts, we're never going to fix this problem. If we keep this kind of language and definition, heaven help us.

The other part on oil companies, all these taxes. Look, I've been a member of the Ways and Means Committee for 12 years. A number of years ago we put in place a policy that says: We want more manufacturing in America. We want to reward manufacturing jobs. So if you manufacture something in America, you will pay effectively lower tax rates than if you make something overseas. The idea would be more U.S. manufacturing jobs. Here's what they do. They say ah, ah, ah, not if you're in the oil industry. So, if you're working in the oil fields in North Dakota or the Marcellus shale in Pennsylvania or the Woodford in Texas, we don't want your jobs, because if you manufacture oil in America, we're raising your taxes. We're not going to raise your taxes if you manufacture oil overseas, but if you create American-made energy jobs, this raises your taxes. Not only does it raise our taxes and costs American energy jobs, it raises our gas prices. How is that good for consumers and families?

So, it's an anti-American energy job, pro-high gas tax bill that all of a sudden calls for the kind of disclosure that they weren't willing to disclose when they jammed ObamaCare through. This is not serious and I reject this motion.

I urge all Members to vote against the motion to recommit.

I yield back the balance of my time.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. VAN HOLLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6684, if ordered; adoption of the conference report on H.R. 4310; and suspension of the rules with regard to 3197, if ordered; H.R. 6443, if ordered; and S. 925, if ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 243, not voting 9, as follows:

[Roll No. 643]

YEAS—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell

Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Buerkle
Culberson
Johnson, Sam
Nunnelee
Olver
Pelosi
Reyes
Rivera
Stark

□ 1828

Mr. HALL, Mrs. BACHMANN, Messrs. CANTOR, COFFMAN of Colorado, GARY G. MILLER of California, SMITH of Texas, GARRETT, REED, BACHUS, and BILIRAKIS changed their vote from ''yea'' to ''nay.''

Ms. WASSERMAN SCHULTZ, Messrs. LEVIN and POLIS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 209, answered ''present'' 1, not voting 6, as follows:

[Roll No. 644]

YEAS—215

Adams
Aderholt
Akin
Alexander
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—209

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Labrador
Landry
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Massie
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wolf
Woolsey
Yarmuth

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—6

Costello
Culberson
Johnson, Sam
Reyes
Rivera
Stark

□ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on 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, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 315, nays 107, not voting 9, as follows:

[Roll No. 645]

YEAS—315

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Cummings
Curson (MI)
Davis (CA)
DeFazio
DelBene
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Richardson
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—107

Ackerman
Amash
Bachmann
Baldwin
Bass (CA)
Becerra
Blumenauer
Boswell
Braley (IA)
Campbell
Capuano
Carney
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Cohen
Conyers
Crowley
Davis (IL)
DeGette
DeLauro
DesJarlais
Doyle
Duncan (TN)
Edwards
Ellison
Farr
Fattah
Frank (MA)
Gibson
Gosar
Graves (GA)
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hall
Harris
Himes
Hinchey
Honda
Huelskamp
Johnson (GA)
Johnson (IL)
Jones
Kind
Kucinich
Labrador
Landry
Latham
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lummis
Lynch
Mack
Maloney
Marchant
Markey
Massie
Matsui
McClintock
McCollum
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Nugent
Olver
Pallone
Paul
Payne
Pelosi
Peters
Pingree (ME)
Polis
Quigley
Rangel
Ribble
Roe (TN)
Rush
Sarbanes
Schakowsky
Schweikert
Sensenbrenner
Serrano
Slaughter
Thompson (CA)
Tierney
Tonko
Van Hollen
Velázquez
Walberg
Walsh (IL)
Waters
Watt
Welch
Woolsey
Yarmuth

NOT VOTING—9

Berkley
Burton (IN)
Culberson
Fortenberry
Johnson, Sam
Reyes
Rivera
Roybal-Allard
Stark

□ 1843

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KING of Iowa. Mr. Speaker, this evening on rollcall No. 645, the Conference Report for the National Defense Authorization Act for Fiscal Year 2013, I intended to vote "no" but mistakenly cast a "yes" vote.

MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

The question was taken.

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

Mr. CASSIDY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 9, as follows:

[Roll No. 646]

YEAS—421

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo

Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Rigell

NOT VOTING—9

Courtney
Culberson
Dicks
Emerson
Johnson, Sam
Manzullo
Reyes
Rivera
Stark

□ 1850

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WILLIAM ''BILL'' KLING VA CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

The question was taken.

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

Mr. HUIZENGA of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 9, as follows:

[Roll No. 647]

YEAS—422

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Courtney
Culberson
Dicks
Emerson
Johnson, Sam
Reyes
Rivera
Stark
Waxman

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken.

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

Mr. HUIZENGA of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 7, not voting 16, as follows:

[Roll No. 648]

YEAS—408

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Rehberg
Renacci
Ribble
Richardson
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—7

Amash
Campbell
Flores
Reed
Walsh (IL)
Waters
Young (AK)

NOT VOTING—16

Bass (CA)
Courtney
Dicks
Emerson
Grijalva
Honda
Johnson, Sam
Markey
Reichert
Reyes
Rivera
Rush
Schock
Scott, Austin
Serrano
Stark

□ 1903

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 7 o'clock and 6 minutes p.m.), the House stood in recess.

□ 2101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GARDNER) at 9 o'clock and 1 minute p.m.

PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Joint Resolution 49, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The text of the joint resolution is as follows:

S.J. RES. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of Senate on December 20, 2012 at 7:44 p.m.:

That the Senate agreed to without amendment H.J. Res. 122.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table. H.R. 1509.

ELIZABETH L. KINNUNEN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SIDNEY ''SID'' SANDERS McMATH POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CECIL E. BOLT POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. FLAKE) is recognized for the remaining time until 10 p.m. as the designee of the majority leader.

Mr. FLAKE. Mr. Speaker, I've been putting off these remarks for a few weeks now. The truth is I've been reluctant to deliver my final speech on the House floor. This has been my home away from home for the past dozen years, and it's tough to say goodbye to friends and colleagues.

When I'm asked what I enjoy most about this place, I respond without hesitation: it's the give and take on the House floor. To be sure, much of what is said here is scripted with Members of both parties playing their designated role. Too often, talking points serve as literary guardrails. But every so often, genuine debate breaks out. Spontaneous points are made, Members are persuaded, and minds are changed. This frequently happens late at night when Members are less concerned about whether folks are watching at home. I wish more people would tune in during such nonscripted discussions. It represents Congress at its best.

My first 6 years here were spent in the majority, followed by 4 years in the minority, then 2 years again in the majority.

□ 2110

Having experienced both, I can tell you that I prefer the majority. But either party holding the reins of power should recognize that their grasp is

tenuous, and that's a good thing. Both parties benefit by taking turns in the wilderness every now and then.

Over the past 12 years I've offered hundreds of amendments, privileged resolutions, and points of order in this Chamber. These offerings, most of which were to curb spending, were not always successful. In fact, the vast majority of these offerings resulted in far more red marks next to Members' names than green marks up on the wall above me. But I like to think that we, over time, made a difference, and that this institution is better for it.

In addition to my own capable staff, both here and in Arizona, I want to thank those who staff this Chamber, from the floor staff who answer to leadership on both sides of the aisle, to the clerks, to the stenographers, to the parliamentarians who keep us operating within the rules, to the cloakroom staff who keep us fed and remind us when to vote. I've found that there resides in all of these individuals an abiding love and a deep respect for this institution.

Most of all, I want to thank my family—my wife Cheryl and my five children, Ryan, Alexis, Austin, Tanner, and Dallin. They have been supportive, patient, and long-suffering in dealing with a schedule that is anything but family friendly. Thank you.

Finally, I want to thank the good people of Arizona, who, perhaps against their better judgment, have sent me here six times to represent them. I will be forever grateful.

So now I head through the rotunda and into the other Chamber, the Senate, better known to this body as enemy territory. I've used that phrase many times myself, for which I will have to now repent. But at least my penance will be practiced during a 6-year term.

A few weeks ago the 12 newly elected Senate freshmen were invited to the National Archives. Before our meal we were taken to the legislative vault, where we viewed the original signed copy of the first bill enacted by Congress, as well as other landmark pieces of legislation and memorabilia. Oaths of allegiance signed by Revolutionary War soldiers, witnessed by General Washington, documents and artifacts related to the Civil War, segregation, and women's suffrage were also on hand.

It was an affirmation of the tumultuous seas through which our ship of state has sailed for more than 200 years. We have had many brilliant and inspired individuals at the helm and trimming the sails along the way. We've also had personalities ranging from mediocre to malevolent, but our system of government has survived them all.

Serious challenges lie ahead, particularly on the fiscal side, but any honest reckoning of our history and our prospects will note that we've confronted and survived more daunting challenges than we now face. It's a durable, resilient system of government that we have here, designed to withstand the foibles of men, including yours truly.

May God continue to bless the United States of America, and may He be ever mindful of this great and honorable institution, the House of Representatives, the people's House.

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

PAYING A DEBT OF GRATITUDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Indiana (Mr. PENCE) for the remaining time until 10 p.m. as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, it is an honor to rise for what will be my last time speaking as a Member of the United States House of Representatives. The people of Indiana have given me a new assignment. But I rise tonight to pay a debt of gratitude to all those who gave me the privilege to serve in this place.

As a boy, I dreamed of someday representing my hometown in our Nation's Capital. And 12 years ago, the people of the Sixth Congressional District made that dream a reality, and so I begin tonight by simply saying thank you to all of them for letting me live that dream in these past 12 years, to come to this place again and again and to be some small part of the story of this institution and America's story.

My only ambition in Congress has been to look after my family and keep my word to the people that sent me here, to let my yes be yes and my no be no. And it is my hope that as people review the totality of my record and my life, they'll see that we've done just that.

But there are those to thank tonight that made that possible, and that's what brings me to this task this evening.

First, permit me to give thanks to God, whose grace and mercy has sustained us every day that we have served the people of Indiana in this place.

Next, and on this earth most of all, I rise to honor and thank my beloved wife, Karen Pence, whose love, whose support, whose sacrifice, patience and kindness, have made all that I have done in the service of the people of Indiana and this place possible. Thanks for believing in me. I love you, and I'll see you home.

To our children, Michael, Charlotte and Audrey, they were 6, 7, and 8 when I first arrived in this place and stood on this floor with my right hand raised 12 years ago. They're now 18, 19, and 21. Thank you for your love. But thank you for the sacrifices that you made so that we could live our dreams. Now go make your dreams come true. I know every one of you can.

To my colleagues, with whom I've stood in this place, shoulder to shoulder, doing freedom's work, standing each and every day cheerfully on behalf of the founding principles of this Nation, standing for a strong national defense, for limited government, for economic freedom and for the moral foundations of this Nation, you know who you are, and we will take you from this place in our hearts always.

You know, there's a saying back home that when you see a turtle on a fence post, one thing you know for sure is he didn't get there on his own. And so lastly, what I want to do tonight, Mr. Speaker, is really pay a debt of gratitude to the best congressional staff in American history, the men and women who have served our efforts in this city and at home in Indiana for the past 12 years.

I leave this body truly humbled when I look back at the caliber of the staff that we've been able to call to this mission, servant leaders, all. They are men and women who approached each and every day with a servant's heart, made sacrifices over the years in order to serve the people of Indiana with integrity and energy.

Names like Bill Smith and Lani Czarniecki, Jennifer Pavlik and Josh Pitcock, Matt Lloyd and Paul Teller, Marc Short, Brian Neale and Ryan Jarmula, just to name a few.

□ 2120

I don't really have time tonight to name all the men and women who've served us in various capacities over these last 12 years.

Before I yield the floor for the last time, let me close simply by speaking a word of confidence and one more word of gratitude.

Some people look on Washington, D.C., and they're rightly frustrated. Some people come to this Nation's Capital and lose their idealism. I'm not such a person. When I walk out of this Capitol for the last time, I will leave here with my idealism in tact. I will continue to believe, as our Founders did, that we are one Nation under God, rich with a purpose yet to be fulfilled. No matter how dark the day may seem, we can be confident when we stand for freedom and we do freedom's work. Because freedom is not just our story, it's His story. And when we stand for freedom, however imperfectly, we make His work on this Earth our own.

In the words of the poet, I depart this place by saying:

> The woods are lovely dark and deep,
> But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep.

I say to my colleagues and friends and neighbors in Indiana, my duties take me elsewhere, but wherever providence leads this Nation, let us ever remember that we have promises to keep for future generations of Americans in preserving, protecting, and defending the blessings of liberty for ourselves and for our posterity. And I know we'll keep that promise—because we're Americans.

Thank you for the honor of addressing you tonight. And to the people of

the Sixth Congressional District, know that I will always be grateful for the privilege you have given me to serve in this place, and I will always cherish my days in the people's House.

May God bless the United States House of Representatives and all who serve her now and all who will ever serve on this floor. And may God bless the United States of America.

I yield back the balance of my time.

MIKE PENCE STAFF ROSTER: 2001–2012

Acornley, Mark—Part-Time Admin Assistant: October 6, 2011–2012

Adams, Susan—Staff Assistant: October 6, 2003–February 29, 2004

Ahearn, Mark—Legislative Director: January 22, 2002–April 2, 2003

Alexander, Jerry—Constituent Services Representative & Director of Community Outreach: July 9, 2001–May 15, 2007

Arnold, Ron—Director of Administration & Deputy Chief of Staff: January 3, 2001–October 31, 2009

Atterholt, Kathleen—Caseworker: January 3, 2001–January 2, 2010

Bauer, Zachary—Staff Assistant & Legislative Correspondent: January 4, 2010–2012

Bennett, Kim—Deputy District Director: January 3, 2001–2012

Berry, Debra—District Representative: August 6, 2001–2012

Breeding, Mary—Paid Intern & Staff Assistant: April 1, 2001–January 18, 2002

Brinkman, Muffet—Staff Assistant: January 8, 2001–March 31, 2001

Brown, Skip—Communications Assistant: January 2, 2004–November 16, 2005

Brown, Will—Staff Assistant & Legislative Correspondent: January 3, 2009–January 2, 2011

Castor, Amy—Staff Assistant: May 16, 2004–March 12, 2006

Collins, Larry Ken—Communications Director: January 3, 2001–March 31, 2001

Craig, Lindsey—Legislative Assistant: January 2, 2009–April 2012

Crouch, Daniel—Legislative Assistant & Senior Legislative Assistant: January 16, 2007–August 7, 2009

Czarniecki, Cary (Lani)—District Director: January 3, 2001–2012

Dilly, Jonathan—Paid Intern: May 21, 2001–August 8, 2001

Evans, Ben—Constituent Services Representative: January 4, 2010–2012

Fisher, Ryan—Legislative Assistant & Legislative Director: January 3, 2001–January 2, 2007

Fortin, Kristin—Paid Intern: May 7, 2001–July 13, 2001

Gaskill, Kily Smith—Executive Assistant: January 13, 2009–2012

Gibbs, LeAnne Holdman—Staff Assistant, Legislative Assistant, Senior Legislative Assistant & Legislative Director: February 24, 2004–October 21, 2008

Hawkins, Nicole—Community Development Assistant: January 23, 2006–April 6, 2007

Howe, Jeff—Field Representative: January 3, 2003–February 28, 2010

Hughes, Kaitlynn—Press Assistant, Press Secretary: January 2, 2011–2012

Jarmula, Ryan—Staff Assistant, Legislative Assistant and Senior Legislative Assistant: January 22, 2008–2012

Karchner, Derek—Staff Assistant & Press Assistant: January 22, 2002–March 6, 2003

Keller, Aaron—Paid Intern: June 12, 2001–July 31, 2001

Kennedy, Elizabeth—Staff Assistant: February 23, 2004–April 30, 2005

Kiefer, Chris—Legislative Assistant & Senior Legislative Assistant: January 3, 2001–April 30, 2005

Kincaid, Andrew—Legislative Assistant: January 3, 2001–December 31, 2001

Lahr, Matt—Press Assistant: February 1, 2006–January 2, 2007; Press Secretary: May 10, 2010–January 9, 2011

Lavoie, Matt—Staff Assistant: March 13, 2006–April 15, 2007

Likens, Darlene—Caseworker: January 3, 2001–May 31, 2002

Lloyd, Matthew—Communications Director: January 29, 2003–December 31, 2008; Communications Director for GOP Conference: January 1, 2009–December 31, 2010; Communications Director: January 1, 2011–2012

McCarthy, Greg—Staff Director of Foreign Affairs, Middle East and South Asia Subcommittee while Rep. Pence served as Ranking Member: January 1, 2007–January 2, 2009

Meeker, Autumn—Staff Assistant: June 1, 2010–2012

Milazzo, Nathaniel—Legislative Correspondent, Legislative Assistant & Legislative Director: April 25, 2005–January 2, 2011

Miller, Craig—Legislative Assistant: January 3, 2004–June 4, 2005

Miller, Molly Jarmu—Communications Assistant & Legislative Assistant: January 1, 2002–July 28, 2003

Miner, Ryan—Paid Intern: June 1, 2007–July 11, 2007

Myers, Janille—Executive Assistant: January 12, 2009–2012

Neale, Brian—Legislative Assistant & Legislative Director: June 17, 2009–2012

Pardieck, Karrie—Casework Director: January 3, 2001–2012

Pavlik, Jennifer Marsh—Executive Assistant & Staff Director: January 6, 2001–2012

Perdew, Abby—Administrative Assistant & Administrative Director: January 27, 2009–October 31, 2011

Phipps, Andrew—Director of Community Relations: January 3, 2001–October 31, 2001

Piepgrass, Stephen—Communications Director: April 23, 2001–August 15, 2002

Pitcock, Joshua—Legislative Assistant, Deputy Chief of Staff and General Counsel: May 11, 2005–Dec 31, 2008; Deputy Chief of Staff and General Counsel for GOP Conference: January 1, 2009–June 30, 2011; Deputy Chief of Staff and General Counsel: January 1, 2011–July 31, 2012; Chief of Staff—August 1, 2012–2012

Radtke, Schrade (Trip)—Legislative Director: March 22, 2003–December 30, 2003

Reger, Ryan—Field Representative: January 3, 2001–December 31, 2007

Shettle, John—Part-Time Caseworker: January 3, 2001–2012

Siktberg, Alan—Staff Assistant/Field Representative: February 1, 2005–February 14, 2008

Slatter, Ian—Legislative Assistant & Communications Director: January 1, 2002–January 31, 2003

Smith, William A.—Chief of Staff: January 3, 2001–July 31, 2012; Senior Advisor: August 1, 2012–2012

Son, Daniel—Communications Assistant & Press Secretary: January 26, 2008–May 31, 2010

Sulc, Kevin—Constituent Services Representative: July 9, 2001–2012

Tronovitch, Ryan—Staff Assistant: April 27, 2007–December 31, 2007

Wilson, Mikah—Constituent Services Representative/Caseworker/Administrator: January 3, 2003–October 31, 2009

Wilson, Duncan—February 23, 2005–February 28, 2005

Wilson, William Patrick—Legislative Director: January 2, 2001–December 31, 2001

CHAIRMAN MIKE PENCE, REPUBLICAN STUDY COMMITTEE STAFF ROSTER: 2005–2006

Executive Director—Sheila Cole
Deputy Director—Paul Teller
Policy Director—Russ Vought
Senior Policy Analyst—Derek Baker
Policy Analyst—Joelle Cannon
Research Assistant—Marcus Kelley
Communications Director—Matt Lloyd

CHAIRMAN MIKE PENCE, HOUSE REPUBLICAN CONFERENCE STAFF ROSTER: 2009–2010

Name	Title	Tenure
Marc Short	Chief of Staff	Jan. 2009–Dec. 2010
Josh Pitcock	Deputy Chief of Staff	Jan. 2009–Feb. 2010
	Deputy Chief of Staff/General Counsel.	Mar. 2010–Dec. 2010
Emily Seidel	Director of Operations/Assistant to the Chief of Staff.	Jan. 2009–Dec. 2010
Katie Strand	Director of Member Services and Events.	Jan. 2009–Dec. 2010
Melanie Looney	Coalitions Director/General Counsel.	Jan. 2009–Feb. 2010
Russ Vought	Policy Director	Jan. 2009–Aug. 2010
Daris Meeks	Policy Advisor and Legislative Counsel.	June 2009–Aug. 2010
	Policy Director	Aug. 2010–Dec. 2010
Adam Hepburn	Policy Advisor	Jan. 2009–Dec. 2010
Chris Jacobs	Policy Advisor	Jan. 2009–Jan. 2010
Andy Koenig	Policy Advisor	Jan. 2009–Dec. 2010
Jonathan Hiler	Policy Advisor	July 2010–Dec. 2010
John Gray	Policy Advisor	Apr. 2010–Dec. 2010
Sarah Makin	Policy Advisor	Jan. 2009–Mar. 2010
	Policy Advisor/Coalitions Liaison.	Mar. 2010–Dec. 2010
Brian McManus	Policy Advisor/Coalitions Liaison.	Apr. 2010–Dec. 2010
Lisa Tanner	Policy Advisor	June 2009–Aug. 2009
Matt Lloyd	Communications Director.	Jan. 2009–Dec. 2010
Mary Vought	Press Secretary	Feb. 2009–Dec. 2010
Andeliz Castillo	Deputy Press Secretary and Director of Specialty Media.	Feb. 2009–Dec. 2010
Courtney Kolb	Media Coordinator	Jan. 2009–July 2010
	Deputy Press Secretary	July 2010–Dec. 2010
Rachel Semmel	Press Assistant	Jan. 2009–July 2010
	Radio/TV Booker	July 2010–Dec. 2010
Brian Newell	Deputy Press Secretary/Speechwriter.	Jan. 2009–Mar. 2010
Doug Sachtleben	Deputy Press Secretary/Speechwriter.	Apr. 2010–Dec.2010
Katie Hughes	Press Assistant	June 2010–Dec. 2010
Emily Pickett	Press Assistant	June 2010–Dec. 2010
Ben Howard	Staff Assistant	Feb. 2009–Dec. 2010
Scott Neale	Staff Assistant	Jan. 2009–May 2010
Ja'Ron Smith	Staff Assistant	Jan. 2009–Dec. 2010
Ryan Howell	Visual Media	Jan. 2009–Dec. 2010
Bryant Avondoglio	Visual Media	Jan. 2009–Dec. 2010
David Holley	Visual Media	Jan. 2009–Dec. 2010
Rebeccah Propp	Visual Media	June 2009–Dec. 2010
Ericka Anderson	Visual Media (blogger)	Mar. 2009–Dec. 2010

AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for the remaining time until 10 p.m as the designee of the majority leader.

Mrs. BLACKBURN. I am absolutely delighted to stand and say ''thank you'' to Mr. FLAKE—Senator Flake, it will be—and to Mr. PENCE. It will be Governor Pence. We are delighted that they have served here. And I will have to say that they have been happy warriors as we have many times stood on this floor and have fought against earmarks, have fought against increased spending.

And I dare say, Mr. Speaker, as Mr. FLAKE crosses the rotunda and into the other Chamber, I don't think the Senate will ever go back to earmarks, because I know someone who can filibuster an earmark with the best of them. That talent is coming to that other Chamber.

Indeed, the happy warrior who will be the Governor of Indiana, my concern there, quite frankly, Mr. Speaker, is I know some of the reforms that he has in mind for that great State, and I don't want them to become too competitive with my home State of Tennessee. I'm going to be keeping a very close eye on the good work that he is

doing there for the people of Indiana and look forward to what he is going to do.

It is so very true, and we talk about it a lot, but I think we appreciate it here in this Chamber. Our States are the laboratories of democracy in this great Nation. That is where great ideas come from. They bubble up and they get tested. We know that Indiana is going to have quite a few new ideas that they'll be trying, so we're looking forward to seeing what he will do there.

I want to yield at this time to the gentleman from Texas (Mr. HENSARLING) who has worked so closely with these two gentlemen as we have fought expanded government, fought higher taxes, fought uncontrollable and out-of-control spending. I yield to the gentleman for his comments this evening.

Mr. HENSARLING. I thank the gentlelady for yielding to me.

Mr. Speaker, an hour ago, I had no idea that I would be on the House floor to witness the farewell speeches of two giants who have served in this institution. In many ways, Mr. Speaker, I approach my comments tonight with trepidation because my voice is most inadequate and unprepared for this moment.

The term ''happy warrior'' was used. The gentleman from Arizona (Mr. FLAKE), I have never known him not to have a smile on his face. Mr. Speaker, if there was one individual who summed up the phrase that one man in the right makes a majority, it's the gentleman from Arizona, JEFF FLAKE.

Mr. Speaker, I have no doubt whatsoever that the other body will never be the same when the gentleman from Arizona steps into that other Chamber—because of his leadership. Many come here and serve. They speak with eloquence. They represent their values. They represent their constituents. But, Mr. Speaker, not all that many leave this institution and can look themselves in the mirror and know they have made a difference. The gentleman from Arizona has made a difference in the people's House and how the peoples's money has been spent.

Mr. Speaker, it's a challenging time in our Nation's history. There's much turmoil. I know many question Madison's genius—perhaps mad genius—in providing for this thing called divided government. It's sloppy; it's messy; it gets a little noisy; it's not always efficient; but it has produced the greatest, freest, most prosperous Republic in the history of mankind. That divided government is played out in this institution by noble men and women who mean well. Again, I find my voice most inadequate to honor the work of these two great men.

I look at the words above you, Mr. Speaker, ''In God we trust.'' Few have lived that and had it emblazoned on their heart as the gentleman from Indiana, MIKE PENCE.

□ 2130

He knows the words of Jefferson: Can the liberties of a Nation be thought secure when we have removed their only firm foundation, and that is a conviction in the hearts of man that these liberties are gifts of God?

I know this man, this great man from the Heartland. I know Karen, Michael, Charlotte and Audrey. What a strong family. I want to thank them for their sacrifice. We, Mr. Speaker, as you know, we serve our country, but we don't sacrifice. But our families do. What a great sacrifice of the Pence family of Indiana to let this great man come and serve with distinction for these years.

MIKE PENCE has brought the values of the Heartland to this institution and taught us all well. He has led by example, and he's done something that, frankly, few Members have done, and that is he has inspired us to greatness.

Again, Mr. Speaker, many serve here as public servants, but some go beyond being a public servant and they embody everything that was good and great about the Founders. We have a special word for those people, it's called ''patriot.'' MIKE PENCE, the gentleman from Indiana, is a patriot. His moral compass always points true north. His humor and compassion have lifted his colleagues in this Chamber in tough and challenging moments.

He embodies that definition of character that he always does what is right even when no one is watching. And because he understands better than most what the true genius of America is, every day he gets up, he praises his Lord, he thanks Him for his family, and he dreams bold dreams because, Mr. Speaker, he is an American.

Mr. Speaker, I've been granted many blessings in life, many blessings in life, few that I will cherish as much as the blessing of fighting for freedom on the floor of the United States House of Representatives at the side of MIKE PENCE. He has taught me that verse in Proverbs that ''iron sharpens iron.'' Mr. Speaker, he has always sharpened my iron. He has taught me about Proverbs 18:24: And there is a friend that sticketh closer than a brother. MIKE PENCE is my friend that sticketh closer than a brother.

I've often thought, What is the highest praise that I can pay to such a friend? Back in Dallas, Texas, I've got a son, Travis; he's 9. Since it's a school night, he, hopefully, is not playing Angry Birds or Plants Versus Zombie or some other electronic game. He and his sister are the apple of my eye and my wife's eye. And I think, Mr. Speaker, what kind of life might my son have? How do I want to raise my son? What do I want to teach him? Who do I want him to emulate? Mr. Speaker, I've said this about very few people I have met in life, but Mr. Speaker, I could never be more proud than if my son, Travis JEB HENSARLING, grew up to be like MIKE PENCE, the Governor-elect of Indiana, my friend, our patriot.

Mrs. BLACKBURN. I thank the gentleman for those kind remarks.

I know that we all share in expressing how much we have enjoyed having these gentlemen with us. We also want to recognize someone. I want to yield to the gentleman from Florida, who has been with us for all too short a period of time. Mr. WEST is here for his last day on this floor. I know that each of us joins in saying thank you to him.

He came to this floor and, Mr. Speaker, he does not back down from the fight. I think that he runs toward that fight when it is a fight for freedom, when it is a fight for getting this government under control and returning us to our constitutional principles, because he is a constitutional conservative.

As we have, this week, stood on this floor and have discussed the issues that are in front of us, the issues that the media have termed the ''fiscal cliff,'' you know, many of us have talked about this, that this day was coming. Indeed, the Republicans in the House have been working on this issue for months. My goodness, we sent bills starting in May over to the Senate. They've been sitting on HARRY REID's desk, some of them—the last one went over September 19—and they have chosen not to take up those bills.

It's important to note that in that lesson of looking at what the Senate chose not to do and what the leader of the Senate chose not to do, we have people in the House that chose to take an action that would prohibit higher taxes on all Americans. It would prohibit the sequestration from taking place on our military, and it would enable us to move toward a pathway of fiscal responsibility and economic growth and renaissance in this Nation.

So at this time, I yield to the gentleman from Florida (Mr. WEST).

Mr. WEST. I want to thank the gentlewoman from Tennessee for allowing me to participate this evening. Thank you, Mr. Speaker, for allowing me to have this time. But I want to also pay homage to two great men that are going to be departing this House of Representatives.

I think back to 5 years ago, in December of 2007. I had just gotten back from 2½ years of serving in Afghanistan, and I decided that I was going to throw my hat into the ring to run for Congress in 2008. I understood what it meant to be a constitutional conservative. I understood what it meant when you talked about limited government, when you talked about fiscal responsibility, individual sovereignty; when you talked about a free marketplace of ideas, where the American people can prosper, and also a strong national defense. But of course the critical thing was I could go back and I could read Locke and I could read Montesquieu. I could read Hobbes or Rousseau. I could read all of the writings of our Founding Fathers. But I wanted to look at two individuals or several individuals that I could see as role models.

So when you get back and you start to look at C–SPAN and say, Who can I model myself after, I can tell you that the two men that are going to depart this House of Representatives—one to go be Senator-elect from Arizona, another going to be Governor-elect from Indiana—were two individuals that I studied.

When I wanted to know about fiscal responsibility, I heard about this gentleman, Representative JEFF FLAKE from Arizona, who was Mr. Earmark. I, first of all, had to understand, okay, being in the military, what does an earmark mean? Well, I come to understand what it meant, and I come to understand how horrible it is when you look at what is happening with our debt and our deficit and our fiscal irresponsibility.

I came to understand what it meant to have principles and pragmatism and having the courage to stand upon your convictions and continue to push and continue to try to make a difference, even if it seems that you may stand alone. Because that's one of the mottos from a great unit in the 101st Airborne Division, Currahee. We know that from the Band of Brothers what that means, ''stands alone.''

If there is one person that has always stood alone and will continue to do so for the principles that are right, fiscal responsible principles that are right, it's Senator-elect JEFF FLAKE. Being able to study him and see him and not so much worrying about having a bunch of conversations, but learning by example, helped me to have 2 great years here in the people's House, the people's House where for 22 years in uniform I served to protect, and now I got the opportunity to walk in these great Halls with a great man, who I know will continue to go on to the Senate, where they truly do need some help with fiscal responsibility.

I know that when we look across, just the same as that unit in December of 1944, when they were surrounded, they sent back one simple response, that they were not going to surrender. I think we all know what that one-word response is.

□ 2140

If I could think of one person that will stand on the Senate floor and give that same response, it will be Senator-elect, JEFF FLAKE.

Now, when I think about the other gentleman, the Governor-elect of Indiana, there was a person that contacted me, and if you talked to him, he will say I was supporting ALLEN WEST before it became cool to support ALLEN WEST, and that is absolutely 100 percent right. Because MIKE PENCE understood that it's not about the empty promises of outreach to a community, it's about finding those individuals that really and truthfully do believe in constitutional, conservative principles and supporting them to get them to a position where they can have a voice and they can, in turn, be examples to our black communities. That's what MIKE PENCE did for me in 2008. He kept encouraging me. And even though we fell short, on that next day, he was the first person to call and say:

I know what type of man you are, and I know what type of fighter you are, and I know you're going to do it again.

Therefore, I ended up being here in 2010. I had the opportunity to be taught, to be coached and to be mentored by a great man, a great constitutional conservative, a man there that will go make a difference for a State, and I think that one day he will make a difference for our great Nation.

So as once upon a time a general said, as he stood there, that old soldiers never die, they just fade away, I'm not going to fade away, because these two men have encouraged me to do something better and do something different, to take off a camouflage uniform and put on a suit and tie but continue to fight for the principles and values that make this country great and that make this country exceptional. I think that's what we see happening right now.

I am so encouraged that we have the right people here in the House, we will have the right people in the Senate and we will have the right people down in our States to make a difference to secure a better future for all of our children and our grandchildren so we do not saddle them with the debt that we're currently looking at, we do not saddle them with the out-of-control spending, and we do not leave them with an unsecure America and an unstable world.

Those men that are going to depart here are going to be part of that transformation, that restoration, that reclaiming of a sense of American pride and exceptionalism that when we look at those words up there, ''in God we trust,'' we will truly inculcate that back into who we are as a people.

So as we go forth, we talk about this thing called the fiscal cliff, I know that these men understood what the right type of tax policies are that create economic growth. We are not about wealth redistribution. We are about wealth expansion. We are about that American Dream that can take an inner city kid from Atlanta, Georgia, and allow him to be standing here today speaking to the American people before incredible men that will go and do more incredible things for this great Nation.

I believe that we are standing on the verge of a new dawn for America. But all we have to do is go back and recommit to those principles and value that our Founding Fathers accepted, that our Founding Fathers wrote in the Declaration, that they improved and perfected through the Constitution, and now they're looking at us in this generation to be the ones that carry it on. 236 years. And I believe that we will be around for another 236 years.

The test for us right now is do we believe that America is about a bigger government? Or do we believe that America is about an indomitable, entrepreneurial spirit? And if we believe the latter instead of the former, then we will have those right tax policies, we will have the right regulatory policies, and we will have the right monetary policies so that we are not printing more money and devaluing our dollar so that we see commodity prices going up.

Will we, once again, have our small businesses grow, which is a reflection of our entrepreneurial spirit? But, most importantly, will we respect the individual, their sovereignty, their rights, and their freedoms, and make sure that we have the strongest, most powerful military that will cause people to say, we will not challenge you, because they know that what we stand for, this that we will defend, is something that we truly do believe in.

So as this may be my last time speaking here on this House floor, I can tell you that the principles and values that we stand for as constitutional conservatives, you don't have to be in the House of Representatives to continue that fight, because it's a fight worth doing, but it's a fight worth doing because I've had some great men and great women to be examples for me as I go forward.

There are many men and women that are standing on freedom's ramparts, our watchmen on the walls, that are trusting and depending on us right now to make sure that their service, their sacrifice, and their commitment shall not be in vain.

So I thank you all. I thank you for your coaching and your mentoring. I thank you for the example that you set. I thank you for allowing me to be here to speak on this night.

May God bless America, and may God keep us all forevermore.

Mrs. BLACKBURN. We thank the gentleman from Florida for yielding back, and we thank him so much for his service to this House.

Mr. Speaker, as we close for the Christmas season, I do want to make just a few comments about what has transpired today. And I think it is so noteworthy that those Members who are departing have stood on this floor tonight and have talked about what it means to serve in the U.S. House of Representatives, and how grateful we are that they have chosen that service. And we each have shared a commitment to make certain that we are committed to pushing—pushing—the Federal Government to get its fiscal house in order.

Indeed, Mr. HENSARLING many times has said that that is our primary goal as conservatives because we know that the greatest threat to our Nation's security is our nation's debt. Many of us talk about Admiral Mullen's comments on July 6, 2010, when he said that the greatest threat to our Nation's security is our Nation's debt.

This week, as we have looked at the so-called fiscal cliff, as we have looked

at the expiration of the tax cuts, as we have worked through the growing and just boiling and rolling debt that is sweeping over this government, as we have watched this deficit climb higher every year, we have sought to find a solution to this.

As I mentioned earlier in our remarks, we have stood in this House, and going back to May 10, we passed reconciliation August 1, we passed an extension of all the 2001, 2003 tax reductions—they're called the Bush tax cuts. We passed a sequester bill on the 2nd, and on September 19, we passed a pathway to tax reform.

Mr. Speaker, what is so significant about that is that those pieces of legislation left here, some of them with a bipartisan vote, all with a strong vote from this body, and they traveled across to the Senate. And from May to September, they found their place on HARRY REID's desk. What is so sad about this is that HARRY REID made his choice. The Senate made their choice. And their choice was to not take up those pieces of legislation.

This crisis that we have had, our so-called crisis, the fiscal cliff crisis and Taxmageddon, all of this is a crisis of their making because it is a crisis of inaction. But, Mr. Speaker, many times, that is what happens here. It is inaction, what does not get done, that causes the situation where there is a rush to the last minute.

We have had the American people watching closely, and we have had the comments from the President, the comments from different ones in the Cabinet, and the comments from the Senate. But I remind my colleagues that we took our actions here in the body, we sent that legislation, and we did it because we understand that $16 trillion worth of debt and annual deficits of $1 trillion are far too much for our children and grandchildren.

□ 2150

The speakers tonight who have joined me on this floor have talked about how we have hopes and dreams for our children, for our grandchildren, for the futures of our families. You know what? If you're facing $16 trillion, $20 trillion, $25 trillion worth of debt as a nation, it is very difficult to see those hopes and dreams come true.

My concern as I look at my grandchildren is that the decisions—maybe the selfishness even—of people in Washington who want to tax too much and want to spend too much, who are taxing and spending not their money, but my children and grandchildren's money, children of the next generation, leaders maybe even a generation or more away, they are spending their money, because at this point we are borrowing 46 cents of every dollar we spend. It's not sustainable.

That is why we have very thoughtfully, over the last several months, approached this issue, and it's why this week we have worked with our leadership to find a solution to this, to look at different angles. And the decision came that the best decision for this, the best way to approach it, the best way to make certain we address this is to stand firm on the actions that the House has taken and for the Senate to take up the legislation that they've had the opportunity to take up since September 19. They could take up any bill and amend it. They could vote on it. They could send it back to us. They could go to conference.

You see, as we talk about our children and their future and as we talk about this amount of debt, what we do not want to do is to cap our children's future and trade to the people that hold our debt. If we're not careful, that's exactly what is going to happen.

As we have gone through this process this week, as my colleagues have all watched it and said exactly what has happened, what are the decisions, what are the consequences of the decisions we have made, are we going to resolve it, I do believe that you are going to see a resolution to this. It will happen because the American people are saying to us and they're saying to the President, It is time to get this spending under control. Our children deserve better of us. They have the right to live free lives, to dream big dreams, and to make those dreams come true.

I do want to say a ''thank you'' to our leadership. I think the way that Speaker BOEHNER has handled these issues this week, the way he has worked with the Members in this body to show respect to them, to show respect for their opinions and respect for their constituents, I think that that has been a true sign of leadership that was willing to listen and then willing to move the way the body wanted to move.

And the decision was made by the body not to move forward on the Plan B. But I think in making that decision, what you will see is our leadership moving forward more committed and with individuals even more prepared to get to work and to get this solved and to do what the American people are expecting us to do, which is to get this spending under control. They have sent the message loud and clear: Washington does not have a revenue problem; it has a spending problem. It has an out-of-control spending problem and an insatiable appetite for the taxpayers' money.

As we have worked through this week, as we've talked to our constituents—and so many of us in this body have done telephone town halls and we have been on the phone and we have answered emails. And we know that there is no limit to how much money, how much of other people's money government will try to spend. There's no limit to how much of the taxpayers' money. So the American people have sent the message to us and we all have sent it to our leadership, and they have listened and they have responded.

The time to get the spending under control is now. The time to stop kicking the can down the road is now. And we will head away for Christmas and return, I think, with a strength and a resolve and a courage to address the fiscal issues of this Nation. The House, where the spending bills and appropriation process begins, we will tackle this with strength, with resolve, with courage to get the job done so that, just as my colleagues have said here tonight, so that future generations have a brighter future and so that we will continue to stand for the cause of freedom.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

Mr. RIVERA (at the request of Mr. CANTOR) for today and the balance of the week on account of a family medical emergency.

SENATE BILLS REFERRED

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

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes, to the Committee on Foreign Affairs.

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, to the Committee on Veterans' Affairs; in addition to the Committee on Armed Services and the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office'', to the Committee on Oversight and Governmental Reform.

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the ''Lieutenant Ryan Patrick Jones Post Office Building'', to the Committee on Oversight and Governmental Reform.

S. 3698. An act to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property, to the Committee on Oversight and Governmental Reform.

SENATE ENROLLED BILLS SIGNED

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

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain

provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word ''lunatic'' from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse''.

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

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

A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 20, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 3783. To provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

ADJOURNMENT

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 21, 2012, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8856. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2012-0825; FRL-9372-1] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8857. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-9373-3] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8858. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2011-1012; FRL-9365-6] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8859. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket: ID FEMA-2012-0003] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8860. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8861. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations [Docket No.: FR-5275-F-13] (RIN: 2577-AC80) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8862. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Organization and Functions, and Seal (RIN: 2590-AA54) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8863. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8864. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; South Bend/Elkhart, Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets [EPA-R05-OAR-2012-0536; FRL-9761-1] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8865. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley Nonattainment Area for 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0601; FRL-9760-8] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8866. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets [EPA-R03-OAR-2012-0444; FRL-9760-9] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amemdments [EPA-R09-OAR-2011-0589; FRL-9762-4] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Wyoming; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309 [EPA-R08-OAR-2011-0400; FRL-9756-9] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis Strain QST 713 Variant Soil; Amendment to an Exemption from the Requirement of a Tolerance for Bacillus subtilis Strain QST 713 to Include Residues of Bacillus subtilis Strain QST 713 Variant Soil [EPA-HQ-OPP-2011-0669; FRL-9369-3] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone Depleting Substances — Fire Suppression and Explosion Protection [EPA-HQ-OAR-2011-0111; FRL-9757-5] (RIN: 2060-AQ84) received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum [EPA-HQ-OAR-2011-0542; FRL-9760-2] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8872. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Electric Quarterly Filing Process [Docket No.: RM12-3-000] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8873. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment [Docket No.: 0912161432-2630-04] (RIN: 0648-XT37) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8874. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 120917459-2591-01] (RIN: 0648-BC57) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8875. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Research vessel SIKULIAQ Launch, Marinette, Wisconsin [Docket No.: USCG-2012-0896] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8876. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Battle of Queenston Heights Bicentennial, Niagara River, Lewiston, NY [Docket No.: USCG-2012-0849] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8877. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: America's Cup World Series Finishline, San Francisco, CA [Docket No.: USCG-

2012-0884] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8878. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL [Docket No.: USCG-2012-0191] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8879. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Steam Ship Col. James M. Schoonmaker relocation project, Maumee River, Toledo, OH [Docket No.: USCG-2012-0939] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8880. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Leukemia & Lymphoma Light the Night Walk Fireworks Displays; Willamette River, Portland, OR [Docket No.: USCG-2012-0803] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8881. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Intracoastal Waterway; Carolina Beach, NC [Docket No.: USCG-2012-0741] (RIN: 1626-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8882. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper T. Smith Fireworks Event; Mobile River; Mobile, AL [Docket No.: USCG-2012-0869] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8883. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Inland Waterways Navigation Regulations [Docket No.: USCG-2011-1086] (RIN: 1625-AB84) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8884. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Exercise, Hood Canal, Washington [Docket No.: USCG-2012-0822] (RIN: 1625-AA00) recevied December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8885. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Fixed and Moving Safety Zone; Around the USACE Bank Grading Units, Mat Sinking Unit, and the M/V Harrison and M/V William James [Docket No.: USCG-2012-0738] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; 2012 Ironman 70.3 Miami, Biscayne Bay; Miami, FL [Docket No.: USCG-2012-0559] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping and Transporation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2012-0832] (RIN: 1625-AB87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-63; Introduction [Docket FAR: 2012-0080, Sequence 6] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8889. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-63; Small Entity Compliance Guide [Docket FAR: 2012-0081, Sequence 8] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8890. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Adminsitration, transmitting the Administration's final rule — Federal Acquisition Regulation; Iran Threat Reduction [FAC 2005-63; FAR Case 2012-030; Docket 2012-0030, Sequence 1] (RIN: 9000-AM44) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8891. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 cumulative List of Changes in Plan Qualifications [Notice 2012-76] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8892. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-78] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8893. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9603] (RIN: 1545-BJ23) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8894. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Certain exceptions to disclosure requirements under Tres. Reg. Sec. 1.6011-4(b)(5) (Rev. Proc. 2013-11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8895. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Taxable Medical Devices [TD 9604] (RIN: 1545-BJ44) received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Gregory Meeks (Rept. 112–709). Referred to the House Calendar.

Mr. BONNER: Committee on Ethics. In the Matter of Representative Tim Ryan (Rept. 112–710). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1073. A bill to designate the United States courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse'' (Rept. 112–711). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2919. A bill to eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes; with an amendment (Rept. 112–712). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Commitee on the Budget. Activities and Summary Report of the Committee on the Budget, House of Representatives, One Hundred Twelfth Congress fourth quarter (Rept. 112–713). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce for the Fourth Quarter of the 112th Congress (Rept. 112–714). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1063. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims'; with an amendment (Rept. 112–715, Pt. 1). Ordered to be printed.

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Shelley Berkley (Rept. 112–716). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 3116. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes; with an amendment, (Rept. 112–717, Pt. 1); referred to the Committees on Energy and Commerce, Science, Space, and Technology, and Transportation for a period ending not later than December 21, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdication of those committees pursuant to clause 1(f), 1(p) and 1(r) respectively, of rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. GRIFFIN of Arkansas, Mr. WOMACK, Mr. TIBERI, and Mr. STIVERS):

H.R. 6690. A bill to limit the Secretary of the Air Force from retiring or transferring certain aircraft of the Air National Guard or Air Force Reserve; to the Committee on Armed Services.

By Mr. SCOTT of Virginia (for himself, Mr. WOLF, and Mr. CUMMINGS):

H.R. 6691. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. CLARKE of Michigan (for himself, Ms. SCHAKOWSKY, Mr. SABLAN, Ms. LEE of California, Mr. CLEAVER, and Ms. CLARKE of New York):

H.R. 6692. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt the Substance Abuse and Mental Health Services Administration (SAMHSA) from sequestration; to the Committee on the Budget.

By Mr. CONNOLLY of Virginia:

H.R. 6693. A bill to amend the Animal Welfare Act to provide for the protection of birds, rats, and mice, and for other purposes; to the Committee on Agriculture.

By Mr. FINCHER:

H.R. 6694. A bill to amend the definition of mortgage originator under the Dodd-Frank Wall Street Reform and Consumer Protection Act to include certain employees of a retailer of manufactured homes; to the Committee on Financial Services.

By Mr. GARRETT:

H.R. 6695. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. GOSAR (for himself and Mr. SCHWEIKERT):

H.R. 6696. A bill to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes; to the Committee on Natural Resources.

By Mr. KUCINICH:

H.R. 6697. A bill to amend the citizen suit provisions in several statutes to impose an additional award to prevailing plaintiffs; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 6698. A bill to direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters; to the Committee on Foreign Affairs.

By Mr. TURNER of Ohio:

H.R. 6699. A bill to provide certain assistance to North Atlantic Treaty Organization allies; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. CONNOLLY of Virginia, and Ms. LEE of California):

H.R. 6700. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for the payment of punitive damages, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6701. A bill to provide for the continued lease or eventual conveyance of certain Federal land within the boundaries of Fort Wainwright Military Reservation in Fairbanks, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida (for himself and Ms. MATSUI):

H.R. 6702. A bill to amend the National Organ Transplant Act to prevent the sale of bone marrow and umbilical cord blood, and for other purposes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H. Res. 842. A resolution recognizing the contributions of Senator Joseph I. Lieberman to the nation and to the equal rights and general welfare of the citizens of District of Columbia; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LATHAM:

H.R. 6690.

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

Article 1, Section 8 of the Constitution of the United States.

By Mr. SCOTT of Virginia:

H.R. 6691.

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

Clause 1 of section 8 of article I of the Constitution

Clause 18 of section 8 of article I of the Constitution

By Mr. CLARKE of Michigan:

H.R. 6692.

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

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution

By Mr. CONNOLLY of Virginia:

H.R. 6693.

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

Section 8 of Article I of the Unites States Constitution

By Mr. FINCHER:

H.R. 6694.

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

Article 1, Section 8.

By Mr. GARRETT:

H.R. 6695.

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

Article I, Section 8, Clauses 1 (''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uiiform throughout the United States''), 3 (''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''), and 18 (''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof'').

By Mr. GOSAR:

H.R. 6696.

Congress has the power to enact this legislation pursuallt tOt the following:

''The Congress shall have the power to . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes;''

Additionally, since this bill directs the Secretary of Interior to take lands into trust for the benefit of an Indian tribe, meaning the federal government would hold title to the land in trust on behalf of the tribe, it is important to note that Congress has the express constitutional authority to manage and convey federal lands, pursuant to Article IV, Section 3, Clause 2:

''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.''

By Mr. KUCINICH:

H.R. 6697.

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

Article 1, Section 8, Clause III and/or Article 1, Section 8, Clause IIXX of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 6698.

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

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. TURNER of Ohio:

H.R. 6699.

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

Article I, Section 8, Clause 3 of the Constitution: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. WELCH:

H.R. 6700.

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

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof . . .

By Mr. YOUNG of Alaska:

H.R. 6701.

Congress has the power to enact this legislation pursue t to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. YOUNG of Florida:

H.R. 6702.

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

Article 1 Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

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

H.R. 308: Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. SMITH of Washington, Ms. KAPTUR, Mr. COURTNEY, Mr. THOMPSON of California, Mr. ANDREWS, Mr. BRALEY of Iowa, Mr. WATT, Mr. CURSON of Michigan, Mr. BOSWELL, and Mr. SABLAN.

H.R. 591: Mr. LEVIN, Mr. MARKEY, Mr. PALLONE, and Mr. PASTOR of Arizona.

H.R. 751: Mr. LOEBSACK and Mr. LEWIS of Georgia.

H.R. 1054: Ms. BASS of California.

H.R. 1182: Mr. YODER.

H.R. 1781: Mr. PASTOR of Arizona.

H.R. 2033: Ms. WASSERMAN SCHULTZ.

H.R. 2069: Mr. BOREN.

H.R. 2104: Mr. ROE of Tennessee and Mr. TIERNEY.

H.R. 2554: Ms. MOORE, Ms. LEE of California, and Mr. SCOTT of Virginia.

H.R. 2721: Ms. BONAMICI.

H.R. 2775: Ms. LEE of California and Ms. BASS of California.

H.R. 3015: Ms. DEGETTE.

H.R. 3704: Ms. ZOE LOFGREN of California.

H.R. 4103: Mr. ENGEL, Mr. COURTNEY, Ms. MCCOLLUM, Mr. CONYERS, Mrs. MALONEY, Mr. BISHOP of New York, Mr. ACKERMAN, Ms. SCHWARTZ, Ms. LEE of California, Mr. POLIS, and Mr. HIMES.

H.R. 6043: Mr. ROE of Tennessee.

H.R. 6174: Ms. LORETTA SANCHEZ of California.

H.R. 6241: Mr. PERLMUTTER.

H.R. 6299: Mr. ROKITA, Mr. GRIFFIN of Arkansas, Mr. BERG, Mr. TURNER of New York, and Ms. HAYWORTH.

H.R. 6311: Mr. ELLISON.

H.R. 6589: Mr. DOGGETT and Mr. CUELLAR.

H.R. 6597: Mr. GARDNER, Mr. HOLT, and Mr. TIBERI.

H.R. 6646: Mr. SCHWEIKERT, Mr. TIPTON, Mr. BROUN of Georgia, Mr. ROSS of Florida, Mr. WILSON of South Carolina, Mrs. ADAMS, and Mr. WEBSTER.

H.R. 6658: Mr. CLEAVER, Mr. JOHNSON of Georgia, and Mr. PAYNE.

H.R. 6659: Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. SCHIFF, and Mr. PAYNE.

H.R. 6660: Mr. BOUSTANY and Mr. LARSEN of Washington.

H. Res. 220: Mr. HIMES.

H. Res. 823: Mr. RIVERA, Ms. MATSUI, and Mr. SABLAN.

H. Res. 826: Mr. AMODEI and Mr. CARTER.

H. Res. 834: Mr. WALBERG, Mr. DENHAM, Mr. MILLER of Florida, Ms. HANABUSA, Mr. PASCRELL, Mr. BACHUS, Mrs. LUMMIS, Mr. HULTGREN, Ms. MATSUI, Mr. HANNA, Mr. MICA, Mr. AUSTIN SCOTT of Georgia, Ms. WASSERMAN SCHULTZ, Mr. KINZINGER of Illinois, Mr. RUNYAN, Mr. WILSON of South Carolina, Mr. CICILLINE, Mr. HASTINGS of Florida, Mr. SOUTHERLAND, Mr. SCALISE, Mr. ROYCE, Mr. DUFFY, Mr. SMITH of New Jersey, and Mr. KEATING.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, DECEMBER 20, 2012 No. 165

Senate

The Senate met at 11 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

O God, whose mercy exceeds our sins, we thank You for the failures that drive us again and again to You for forgiveness and restoration. May we see in our setbacks opportunities for growth and progress.

Lord, change our lawmakers not from what they were but toward what they really are: generous, wise, and responsible stewards of Your bountiful grace. Keep us from becoming a country that wants to feel good rather than be good, as You empower us to live worthy of our forebears who sacrificed so much for freedom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 20, 2012.

To the Senate:

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

PATRICK J. LEAHY,
President pro tempore.

Mr. BROWN of Ohio thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

MODIFICATIONS TO AMENDMENTS—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that the clerk be authorized to modify the instruction lines on amendments proposed to the substitute amendment No. 3395.

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 1, which is the legislative vehicle for the supplemental appropriations bill involving the terrible storm that struck New England. The filing deadline for the first-degree amendments is 1 p.m. today. We will work on an agreement for amendments in order to complete action on the bill.

We are also hopeful that we can complete the extremely important Defense authorization bill today, and we are moving forward on FISA today. We are moving forward one way or the other. I hope we can get an agreement to move forward. If not, we will move forward without an agreement.

We will need everyone to pay attention as they always do but maybe more so today. There are a lot of things going on here, and people need to understand that we have things to do if we want to be able to get home for a few days for Christmas, even though we will be back on the Thursday after Christmas.

TRIBUTES TO DEPARTING SENATORS

JEFF BINGAMAN

Mr. REID. Mr. President, I wish to take a few minutes today to honor my colleague, the senior Senator from New Mexico, JEFF BINGAMAN, as he retires from a long career of service to our country.

For 30 years Senator BINGAMAN has been a dedicated representative of the people of New Mexico, but for 26 of those years he was the junior Senator from New Mexico. The only person I know of who was a junior Senator longer than Senator BINGAMAN was Fritz Hollings. He was a junior Senator for many decades to Strom Thurmond. But 26 years as a junior Senator still makes you a fairly senior Senator. JEFF served alongside Senator Pete Domenici, the longest serving Senator in New Mexico's history. Until 2009 he was the most senior junior Senator.

JEFF BINGAMAN has never been one to get hung up on titles and credits. If there was ever a conscience of this body, it is JEFF BINGAMAN, a man who has been called by others, including Byron Dorgan, a workhorse. That is really true. For three decades he has quietly but diligently fought for the people of New Mexico and this country.

American industrialist Henry Kaiser once gave this bit of advice: ''When your work speaks for itself, don't interrupt.'' And that is JEFF BINGAMAN. That could have been written for JEFF BINGAMAN by Henry Kaiser. That has been JEFF BINGAMAN's motto for years. He is not one for flashy press conferences. Most of the time he is too busy.

JEFF learned humility in the small town of Silver City, NM, where he grew up. His father was a professor and his

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

Printed on recycled paper.

mom a teacher, and they instilled in him a love and appreciation for education—and that is an understatement. He got his bachelor's degree from Harvard and his law degree from Stanford. Those are two of the finest educational institutions in the world, and he has a degree from both of them, Harvard and Stanford.

At Stanford, where he was going to law school, he met his wonderful wife Anne. I have such warmth for this woman. We have traveled together. I can remember trips we took on Senate codels; she was always the life of the party. She is a great match for JEFF—JEFF being quiet, subdued; Anne, not always so. I love them both. Anne is a political powerhouse in her own right. She served 3 years as head of the Antitrust Division of the Department of Justice under President Bill Clinton.

After they finished their law degrees, JEFF and Anne returned to New Mexico, and they both entered the private practice of law. There, JEFF spent 6 years in the Army Reserve, and at that time he and Anne had their son John. Senator BINGAMAN served a year as assistant attorney general before being elected attorney general of New Mexico in 1978. Four years later he was elected to the U.S. Senate.

As time evolves here, you see it in the face of our children. I can remember that when I first came to this body, JEFF had already been here 4 years. We had our Senate retreats, and there was little John, and I watched him grow as we did the retreats. I saw him just a short time ago, this handsome young man, now working on his own in New York in a very important job.

In addition to being a committed advocate for the people of New Mexico, JEFF has been a distinguished chairman of the Energy and Natural Resources Committee. As chairman, he has pushed for solutions to perhaps the greatest crisis of our time: global climate change. He has run into brick walls many times. As the Presiding Officer knows, it has been difficult to get much done. But it is not because JEFF BINGAMAN hasn't tried. I am so disappointed that JEFF is leaving that committee with so much unfinished work. Certain Senators have held up hundreds of bills in that committee. What a shame. But that is what has happened.

The Energy Policy Act of 2005—passed thanks to Senator BINGAMAN's leadership—changed the Federal Government's role in energy policy. It created energy efficiency and renewable tax credits that have grown the crucial green energy industry. He led that charge. Two years later JEFF guided Congress to raise vehicle fuel efficiency standards for the first time in 32 years.

Senator BINGAMAN also serves on the Finance Committee. He is tireless there, whether working on ObamaCare—and he was instrumental in the progress of that, working with Senator BAUCUS, Senator CONRAD, and others. He has also served on the Joint Economic Committee. He has been a valued Democratic Member of this body. In the caucus, he has been terrific.

He has been someone I can call upon to ask for advice. Over the years we have served together, he didn't come and visit with me often, but when JEFF BINGAMAN wanted to see me, I knew immediately that he had thought through and knew what he wanted to talk about and knew what he wanted me to help him with. I think so much of him, I admire him, and I appreciate him. I will always remember this good man and the work he has done. I am sorry to see this brilliant, hard-working leader depart this body.

When JEFF announced his retirement a couple years ago, this is what he said:

> It is not easy to get elected to the Senate, and it is not easy to decide to leave the Senate. There is important work that remains to be done. That is true today, and it will be the case at the end of this Congress. It will be true at the end of every future Congress as well.

Again, he hit the mark: There is plenty of important work left to be done. I am only sorry he won't be here to help us do that work.

I congratulate Senator BINGAMAN and his wife Anne on their long, productive careers. I wish them the very best in the years to come.

RECOGNITION OF THE REPUBLICAN LEADER

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

PLAN B

Mr. MCCONNELL. Mr. President, I wish to start out today with a little context.

For more than a year, President Obama and Democrats in Congress have known, as well as I have, that every single taxpayer is scheduled to get slammed with an automatic tax hike on January 1, and for an entire year, they have been running out the clock.

Think about it. For President Obama, there is no better outcome than for taxes to go up on absolutely everybody. Why do I say that? Why does the President want taxes to go up on absolutely everybody? Because, frankly, that is the only way to pay for the big government this President wants. You have to raise taxes on everybody—the super-rich, the rich, the middle class, the lower class—you name it. Everybody has to have a tax increase because if all you do is whack the so-called rich, you only get enough money for about a week of government. If all you do is whack the super-rich, you only get enough money for about a week of government. So let's be clear about this matter. He wants to soak everybody, and there is only one way to do it, and that is exactly what he gets if we do nothing.

If that wasn't obvious before this week, it should be perfectly obvious now. Here we are less than a week before Christmas, and what is the President doing? What is his quarterback here in the Senate, the majority leader, doing? They have been playing Lucy and the football with the American people for months. They have said no to every single proposal that has been offered to avoid this tax hike, including their own. They are running out the clock, moving the goalposts, sitting on their hands. They aren't doing anything.

Well, I say enough. Enough. The time for games is over. The President may want to soak the American people to fund his vision of a social welfare state, but we are not going to let him do it.

Later today Republicans in the House will pass a bill that protects more than 99 percent—99 percent—of Americans from the tax hike Democrats want to slap them with within 2 weeks. The House bill will protect 99 percent of America's taxpayers from the tax hike that is coming in 2 weeks.

As I have said endlessly, we don't want to see taxes go up on anybody or anything. The problem isn't that government taxes too little, it is that it spends too much. The problem isn't that government taxes too little, it is that it spends too much.

But the President is determined to leap off the cliff. Well, we are not going to let him take the middle class with him. We are going to do everything we can to protect the American people from this scheme.

There is no reason in the world that Democrats actually shouldn't join us. I have literally a book of quotes from Democrats saying they want to protect the middle class.

It was the theme of the recently completed campaign. Well, here is your chance. We are at the end of the line. We have one chance to put your money where your mouth is and that is by voting on the bill the House sends over later today.

It will be, obviously, up to the majority leader to act. Will the majority leader act to protect the American taxpayers? Will he sit on his hands and do absolutely nothing? Will the Senate just sit back and watch the tax rates go up or will the Senate act? Enough is enough. Let's get this done. Let's show the American people we are working on their behalf. It is time to act to prevent this tax increase on 99 percent of America's taxpayers.

I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Reid amendment No. 3395, in the nature of a substitute.

Reid amendment No. 3396 (to amendment No. 3395), to change the enactment.

Reid amendment No. 3397 (to amendment No. 3396), of a perfecting nature.

Reid amendment No. 3398 (to the language proposed to be stricken by amendment No. 3395), to change the enactment date.

Reid amendment No. 3399 (to amendment No. 3398), of a perfecting nature.

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 3400, to change the enactment date.

Reid amendment No. 3401 (to (the instructions) amendment No. 3400), of a perfecting nature.

Reid amendment No. 3402 (to amendment No. 3401), of a perfecting nature.

Mr. BARRASSO. Mr. President, 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. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

TRIBUTES TO DEPARTING SENATORS

BEN NELSON

Mr. HARKIN. Mr. President, with the retirement of Senator BEN NELSON at the close of the 112th Congress, the Senate will lose one of its most respected members, and a distinguished career in formal public service will come to an end. I use that adjective ''formal,'' because it's hard to imagine BEN NELSON not finding new avenues for public service as a private citizen in the years ahead.

Senator NELSON and I come from neighboring States in the rural, upper Midwest, and we have much in common. But we differ in at least one respect: I come from the small town of Cumming, IA, population 351; BEN comes from the big city, McCook, NE, population 8,000.

Senator NELSON is often described as one of the most conservative Democrats in the Senate, frequently voting with the minority party. I prefer to describe him simply as the most independent Democrat in the Senate, a progressive at heart who—like so many from our part of the country—is also deeply imbued with respect for traditional values and fiscal prudence.

As we all know, Senator NELSON prides himself on reaching across the aisle to get things done. He is a pragmatist, not a partisan. He has never allowed ideology or party to stand in his way of doing what he believes is right for Nebraska and the United States of America.

As my colleague on the Committee on Agriculture, Nutrition, and Forestry, Senator NELSON has been a passionate advocate for family farms and rural America, and he has been a leading advocate for increasing the use of clean, renewable biofuels in order to decrease our Nation's dependence on foreign energy sources.

As a member of both the Committee on Armed Services and the Committee on Veterans Affairs, no one has been a stronger supporter of both active duty and retired servicemembers.

BEN NELSON has been a successful CEO of an insurance company, a popular two-term governor of Nebraska, and, for the last 12 years, an accomplished and effective United States Senator. He has been a wonderful hunting colleague of mine on more than one occasion.

Our friendship, of course, will continue. And I wish BEN and Diane the very best in the years ahead.

JIM WEBB

Mr. President, in these final days of the 112th Congress, the Senate is bidding farewell to a very special member, the junior Senator from Virginia, Senator JIM WEBB.

He came to this body with unique and extraordinary credentials: a graduate of the Naval Academy and first in his class of 243 at the Marine Corps officer school at Quantico, a much-decorated combat veteran of the Vietnam War, and Secretary of the Navy during the Reagan administration.

I would point out one more of his sterling credentials. I guess I can say this now, because he is retiring, and a political opponent will not use it against him: JIM WEBB is an intellectual with a passion for ideas and knowledge. For goodness sake, he writes books, excellent books, the kind that win glowing reviews in the New York Times, and get turned into documentaries on the Smithsonian Channel.

Senator WEBB has put this past experience to superb use here in the Senate as an active member of the Committee on Armed Services, the Committee on Veterans Affairs, and the Committee on Foreign Affairs.

To his great credit, before coming to the Senate, he was an outspoken critic of the invasion of Iraq, warning that it would be a unilateral war with no exit strategy. After the invasion, he was equally outspoken in challenging the Bush administration's conduct of that war.

At the same time, as a member of the Committee on Veterans Affairs, he worked hard to pass legislation to provide enhanced education benefits for veterans, a 21st century GI Bill, for those who have served in the military since the attacks of 9/11.

I admire JIM WEBB as a friend and colleague. I have the greatest respect for his life-long commitment to protecting America's national security, and fighting for economic and social justice here at home. There is no question in my mind that JIM will find other avenues for public service in the years ahead. I certainly wish JIM and Hong Le all the best in the years ahead.

JOE LIEBERMAN

Mr. President, with the close of the 112th Congress, our friend and colleague Senator JOE LIEBERMAN is retiring after nearly a quarter century of dedicated service in this body to the people of Connecticut and the United States.

As we all know, Senator LIEBERMAN is a fiercely independent Senator who prides himself on speaking his conscience and reaching across party lines in order to get things done. He is a pragmatist, not a partisan. Yet he has never allowed his ideology or his party or what is popular to stand in the way of doing what he believes is right for Connecticut and the United States of America.

In the years since Senator LIEBERMAN left the Democratic Party to become an independent, he has sometimes disagreed with his colleagues on this side of the aisle, but he has never been disagreeable. To the contrary, he has been unfailingly decent, gracious, and reasoned. He has been unfailingly a gentleman and a friend, a person with a great sense of humor and always has a smile. It is these sterling personal qualities that are a big reason he will be greatly missed by Senators on both sides of the aisle.

During his four terms in this body, Senator LIEBERMAN has earned a reputation as one of the Senate's most influential and knowledgeable voices on interests of national security. In the wake of the attacks of 9/11, he was the lead sponsor of the bill to establish the Department of Homeland Security. As chairman of Homeland Security and Governmental Affairs, Senator LIEBERMAN has been a vigilant leader in safeguarding America.

Throughout his distinguished tenure in this body—and before that as a Connecticut State senator and attorney general—JOE LIEBERMAN has been a proud and principled progressive with a passion for social and economic justice for all Americans.

To cite just one example: Senator LIEBERMAN deserves enormous credit for introducing and successfully championing legislation to repeal the military's discriminatory don't ask, don't tell policy, which banned patriotic gay and lesbian Americans from serving openly in our Armed Forces.

As we all know, JOE LIEBERMAN is a person of deep faith, a faith that inspires him to public service and informs his progressive vision for America. Last January, when he announced his decision to retire, he said:

I go forward with a tremendous sense of gratitude for the opportunities I have had to make a difference.

With Senator LIEBERMAN's retirement in the days ahead, a truly distinguished career in formal public service will come to an end. I use the adjective formal because it is hard to imagine that JOE LIEBERMAN will not be finding new avenues for public service as a private citizen.

Senator LIEBERMAN's career in this body will end, but our friendship will continue. I know that his smile and his gracious unfailingly gentlemenly ways will also continue. I wish JOE and Hadassah much happiness in the years ahead.

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

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

Mr. NELSON of Nebraska. 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. NELSON of Nebraska. First, I want to thank my colleague and neighbor Senator HARKIN for his timely remarks, and particularly for noting that we have been hunting partners. As a matter of fact, that has been in the news today. Not only has Senator HARKIN noted our exploits together, but in this morning's Washington Post the senior Senator from New York noted that I have taken him pheasant hunting in Nebraska as well. I am going to be known not only for my hair but perhaps for hunting as well, so I appreciate that.

Mr. HARKIN. Would the Senator yield?

Mr. NELSON of Nebraska. Of course.

Mr. HARKIN. The Senator has been a great friend. I enjoyed hunting with my friend before, and I read that in the paper before about Senator SCHUMER going out.

Here is a real test for my friend from Nebraska: Aren't I a better shot than CHUCK SCHUMER?

Mr. NELSON of Nebraska. He noted that he learned to shoot at camp and that he was a marksman, so that is probably a dispute I should not get in the middle of.

Mr. HARKIN. No, the Senator doesn't want to get in the middle of that.

Mr. NELSON of Nebraska. I thank the Senator very much for his kind remarks.

It is, obviously, a difficult time to speak about leaving the Senate, and I did that earlier. I leave with a great deal of melancholy and with a lot of friends and a lot of hope for the future of our country.

DAN INOUYE

I rise today to express my support for passage of a 5-year farm bill and call on the House to act on this critical piece of legislation before Congress adjourns this year.

However, first I would like to briefly note how sorry I am at this moment—as I know we all are—about the passing of our good friend, Senator Dan Inouye. I would like to briefly reiterate the sentiments expressed by a number of my colleagues.

Senator Inouye was a man of courage and wisdom. He represented his State and country proudly. He will be sincerely missed.

As everyone knows, today Senator Inouye lies in state just a few steps away from this Chamber. It is an honor the very few—only 31—have ever received. I feel privileged to have had the opportunity to serve with the Senator. I thank him for his friendship and guidance and offer the most sincere condolences to his family.

THE FARM BILL

I appreciate the opportunity to make those remarks, and I would now like to turn to the farm bill, which is a critical piece of legislation in the Senate. We produced a bipartisan bill that cuts spending by $23 billion. Agriculture represents 2 percent of the Nation's budget, and $23 billion represents 2 percent of the spending cuts proposed in the deficit legislation Congress worked on last year but could not pass because of extreme partisanship.

As we work in these final days to reach a deal on how best to reduce spending in government and set a trajectory for the future, I am disappointed that the House was unable, or perhaps unwilling, to follow the example the Senate has given. By moving forward in passing a farm bill, we would save money, create a market-oriented safety net, eliminate direct farm subsidy payments, streamline, simplify, and consolidate programs. It would also create jobs our economy needs to grow.

I am disappointed this is not moving forward. The House's inaction is causing a continuing uncertainty for our Nation's producers as they begin to plan for the next planting year. It also affects our financial institutions which provide lending for our farmers, ranchers, and small-town rural businesses that benefit from the commerce provided by a strong agricultural economy.

Unfortunately, this comes at a time when farms throughout the entire State of Nebraska and across the country are also dealing with the worst drought conditions since the 1930s. The Senate farm bill addresses this crisis through the elimination of subsidies, replacing them with the Agriculture Risk Coverage, or what is known as the ARC, Program. It is a program that provides producers with a market-oriented, straightforward choice to determine how best to manage their operations risks. The safety net is then bolstered by expanded access to profit shares, which serves as the focal point of risk management and will ensure that farmers are not wiped out by severe weather or economic conditions.

The Senate farm bill also reauthorizes the 2008 farm bill permanent disaster relief programs and makes them retroactive to cover producers harmed by the 2012 drought. This includes the Livestock Forage Disaster Program, which provides compensation for the eligible livestock producers who have suffered in critical places such as Nebraska which has been hard hit by the drought and wildfires this summer, not to mention the continuing drought at this time.

I could go on regarding all the major reforms and improvements that the Senate farm bill makes to conservation, rural development, renewable fuels, in addition to the reforms of the commodities and livestock programs. However, without the House acting on any farm bill legislation—let alone the Senate bill which is a solid reform-minded bill, which strikes the right balance between the need to cut spending while maintaining a strong safety net—it will all be for naught. It is disappointing that jobs and our Nation's stable supply of food, feed, fuel, and fiber continues to be put at risk because of inactions spurred on by partisan gamesmanship.

As we seek to find commonsense solutions to the fiscal and legislative challenges before us in Congress, I urge the House to now act on the 5-year farm bill. It will help us achieve savings, bring needed reforms to commodity programs, and provide our Nation's farmers, ranchers, and rural communities the certainty they need to continue to be the world leader in agricultural production.

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

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

The legislative clerk proceeded to call the roll.

Mr. DEMINT. 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.

FAREWELL TO THE SENATE

Mr. DEMINT. Mr. President, I would like to give my farewell address. We spent a lot of time in my office writing out a long speech. However, once I read it, I realized it is more emotional than I thought, and we set that speech aside. Last night I made a lot of notes of what I wanted to say, and then I realized this morning that I was just trying to get the last word on a lot of the politics we have been discussing, so I set that aside and decided to speak from my heart.

Certainly, this is much more emotional than I thought, and as I look around this room, the realization that I am standing on the Senate floor speaking for the last time is a lot to digest. It makes me very appreciative of the privilege we have all been given by the American people, and particularly those who have come before us and who have given their lives for us to have the opportunity to settle our differences in a civil and democratic way. This is a great opportunity and privilege to share a few thoughts before I go on to the next phase of my life.

First, I have to give a particular thanks to my wife Debbie, who, for the last 15 years, has spent many days and nights alone as I have tried to change things in Washington. She has often reminded and questioned me how I thought I could change the world when I could not even mow the grass. But she has been a supporter and certainly so important as I left my children, who were still in school when I began serving in the House, keeping them on the right track. I particularly wanted to thank them.

All of those who serve here know that when we sign up for public life, we also sign our families up for public life. In a lot of ways it makes their lives much more difficult. So I want to thank my children, my wife Debbie, and my family for putting up with this and being so supportive of me.

I also have to thank the people of South Carolina who have entrusted me with this job in the Senate for the last 8 years, and in the House 6 years before that. All of us who serve our States know that as we travel around and meet people and tour businesses and speak to groups, it creates a deep love and appreciation for everyone back home.

I look at what we are making in South Carolina in these small businesses. When we drive by we don't know anything is even there, and then we go and find that they are making things and shipping them all over the world. It makes me very proud of what we are doing in South Carolina, and I know everyone here feels the same way about their States.

I am very appreciative that the people of South Carolina have given me this opportunity. I am very grateful to my colleagues whom I have often scrapped with on a lot of issues. I appreciate their patience. I think I can leave claiming to have good friends who are Democrats and Republicans.

I am particularly grateful for a lot of the new Senators. Some are sitting here today. I have had the opportunity to work with the folks in their States around the country. Their respective States have elected some new people to the Senate who are bringing the right ideas and some new voices to those principles that we know have made our country successful. So I feel as I leave the Senate, it is better than I found it, and that our focus now, despite the difficult challenges, is on America and how we turn America around.

I also want to spend some time thanking my staff. I have to say my greatest inspirations have come from the staff who I have had the opportunity to serve with in the House and in the Senate. As all of my colleagues know who are serving here in the Senate, this country is being run by people in their twenties and thirties who get us so busy they have to follow us to meetings to tell us where we are going and what we will be talking about. But it is incredible to see that these young people, particularly those whom I have served with, have such a passion for our country and freedom and they are willing to put it all on the line to make a difference here. They feel a lot like my family, and I am certainly going to miss them, but it is encouraging to watch them moving to other office, taking their ideas and that courage to other places on the Hill.

I want to add my thanks to all the Hill staff, the folks sitting in the front here and those who have worked with us. I know sometimes we have pushed the envelope a little bit on things we were trying to get done, and I have seen a lot of very intelligent, active, and engaged staff all across the Hill, both Democrat and Republican, and I am very thankful for what they do.

About 15 years ago, I started campaigning for the House. I had never run for public office. At that time, I believed—and I think it still holds true today—that there were normal people such as myself and then there were politicians. I was a businessman. I had a small business for about 15 years. I had four children. I was active in my church and in the community. I had begun to see that well-motivated, well-intended government policies were making it harder for us to do the things at the community level we know actually worked. That is what I have always been about here. It really was not about politics. I had no strong political affiliation before I decided to run for office, but I saw ideas from the time I was a young person. Ideas that worked.

I actually saw this statement the other day which I wish to read because it reflects what I think a lot of us know works in our country. This is one thing I will try to read today:

> I do not choose to be a common man. It is my right to be uncommon. If I can seek opportunity, not security, I want to take the calculated risk to dream and to build, to fail and to succeed. I refuse to barter incentive for dole. I prefer the challenges of life to guaranteed security, the thrill of fulfillment to the state of calm utopia. I will not trade freedom for beneficence, nor my dignity for a handout. I will never cower before any master, save my God. It is my heritage to stand erect, proud, and unafraid, to think and act for myself, enjoy the benefit of my creations, to face the whole world boldly and say, ''I am a free American.''

I saw this on a plaque called ''The American Creed.'' In South Carolina, at least, we have adopted this as what we call ''The Republican Creed.'' But it is really not a Republican idea or a political idea, it is an American idea. The ideas in this statement are ideas we all know work, and ideas we would hope for our children and everyone around us. We know there are people all around us who are having difficulty, but this idea of helping them to become independent, self-sufficient, and responsible creates the dignity and fulfillment in their life that we know we want for all Americans. This is not for a small few. This is an American idea, and it is an idea I know has worked in my life, and I have seen it work all around me.

That is what I wish to talk about for a second today; not political ideas but ideas where we can look back through history and all around us today and point to them and say, That is working. I think if we did that more here in the political sphere, we might find a lot more consensus.

As we look around the country today, we can see a lot of things that are working. Sometimes we couch them in our political rhetoric, but I can guarantee my colleagues they are not being done for political reasons at the State level; they are being done because they work and they have to get things to work at the State level.

We saw last week the State of Michigan adopted a new law that gave workers the freedom not to join a union. They didn't do it because it was politically expedient or because they thought it was a good idea. Actually, it probably will get a lot of the politicians in hot water in Michigan. But what they did is looked at 23 other States that had adopted the same idea and saw they were attracting businesses and creating jobs, and these States, without raising taxes, had more revenue to build schools and roads and hospitals. It is just an idea that worked. It is not a political idea to give people the freedom not to join a union; it is an American idea and it is an idea that works.

We can look around the country today—and, again, we make these things political and give them labels that are good or bad, depending on I guess which party one belongs to—and see that a number of States have been very innovative and creative with what they are doing with education. We see what they have done in Florida, creating more choices, and in Louisiana particularly, forced by Hurricane Katrina to start a new system, in effect. They see more choices and opportunities for parents to choose are helping low-income, at-risk kids, minority kids. We can see it working. It is not political. It is an American idea to give parents more choices to put their children in an environment where they can succeed. It is an idea that works.

We can look around the country at States that try to create a more business-friendly environment not because they are for businesses or for any political reason, or they are for special interests, but because they know the only way to get jobs and prosperity and create opportunity is to create an environment where businesses can thrive. We make it political here and we ask our constituents to make choices between employers and employees, but States such as Texas have created a business-friendly environment with lower taxes and less regulation. They have passed some laws that reduce the risk of frivolous lawsuits. What they have seen is businesses moving to their State. They have seen jobs and opportunity created not for the top 2 percent but expanding a middle class, creating

more opportunities and more tax revenues to do the things at the State government level that we all want for everyone who lives there. This is not for a few; this is for 100 percent.

We see specials now on TV comparing California and Texas, businesses moving out and delegations from California going to Texas to try to figure out why businesses are moving and families are moving there. It is not political at all. We make it political and we talk about it in political terms, but creating an environment where businesses can thrive is an American idea and it is an idea that is working. We see it all over the country, where some States are going down one road, with higher taxes, bigger government, and more spending, and they are losing to States such as Texas, and I hope more and more like South Carolina. They are moving to where they can thrive. This benefits every American.

We look at energy development and we talk about that at the national level of how it can create prosperity for our country if we open it up. We don't have to guess at whether it works. We can look at North Dakota, we can look at Pennsylvania—States that have gone around the Federal rules and figured out how to develop their own energy and are creating jobs and tax revenue for their governments. They are able to lower their taxes and use the revenue to improve everything about their States. Here we make it political and partisan, whether our country can develop more energy, but at the State level it is about what works. All we have to do is look at what works.

This is not rocket science. I came to Washington as a novice in politics, believing in the power of ideas, seeing how ideas could revolutionize different industries, can create new products and services, meeting the needs of customers everywhere. That is what I hoped we could do here in Washington. Maybe naively, I went to work in the House, often working with the Heritage Foundation, to create a better product here in Washington. I saw Social Security—and not too many people look below the surface—but we knew it was going broke. We knew people were paying for this Social Security retirement benefit, but we were spending it all. I thought, What an opportunity it would be for future generations—for my children—if we actually saved what people were putting into Social Security for their retirement, and we didn't have to do too much math to see that even for middle-class workers, Americans could be millionaires when they retired if we even kept half of what was put into Social Security for them. It seemed like a good idea to create wealth and independence for individuals in retirement, but we made it a political idea and somehow convinced Americans it was riskier to save their Social Security contribution than it was to spend it.

I am leaving the Senate to work on ideas I know work. I have seen them work all over our country. We can look all over our country and showcase these ideas that are working. I know there is power in ideas. However, I have learned one thing about the political environment: Unless there is power behind the ideas, they will not emerge here in the Congress. There is too much pressure from the outside to maintain the status quo. No matter how much we show it is working, it won't be adopted here unless we are able to win the argument with the American people.

I spent most of my life in research and advertising and marketing and strategic planning. What I hope I can do from this point is to take these ideas and policies I know work—and the Heritage Foundation for 40 years has been creating the research and analyses that show these policies work—and what I hope I can do is to help connect those ideas with real people, real faces, and to show these people that these ideas are not theory, they are not political policies, but they are ideas that are working right in their State or the State right next to them. If we can win the arguments, if we can win the hearts and the minds of the American people with these ideas, I know we can engage them and enlist them to convince all of my colleagues here to set the politics aside, the parties aside, and to adopt those ideas that work. My hope is to make conservative ideas so pervasive, so persuasive across the country that politicians of all parties have to embrace those ideas to be elected.

I am not leaving to be an advocate for the Republican Party. I hope we can create more common ground between the political parties by showing everyone that ideas that work for their constituents and our constituents are right in front of our faces if we are willing to set aside the pressure groups, the special interests, and just focus on what is working.

Over the next few years, we are going to see more and more States doing the right things, becoming more prosperous, creating a better environment for people to live and work. We are going to see some States that will continue to raise taxes, to create more regulations, and make it harder to start businesses and be profitable in those States. They will continue to lose businesses and people. Many of those States will come to Washington and ask us to help them out from their bad decisions.

I hope at that point we can show, by pointing at these States and their right ideas, that we know the solutions at the State level and we also know we can change how we think at the Federal level and make our country work a lot better.

I leave with a lot of respect for my colleagues. I know my Democratic colleagues believe with conviction their ideas, and I know my Republican colleagues do too. But I hope we can look at the facts. I hope we can look at the real world. I hope we can look at what is working and set aside the politics and realize what makes the country great and strong is when we move dollars and decisions out of Washington back to people and communities and States, it works not for 2 percent but for 100 percent of Americans.

I feel our customers in the Senate, at the Heritage Foundation or wherever we go are 100 percent of Americans for whom these ideas can work to build a better future and a stronger America. I am not leaving the fight. I hope to raise my game in my next phase, and I hope I can work more closely with all of you, as well as Governors and State legislators, to take these ideas and to convince Americans, as well as their legislators, their Senators, and their Congressmen, that we have the solutions all around us if we have the courage to adopt them.

I thank you for this opportunity to serve. Certainly, I will miss my relationships. But I hope we will have the opportunity to continue to work together for what is the greatest country in the world, in what I believe is a generation that could be the greatest and most prosperous generation of all if we just look to the ideas that work.

Thank you, Madam President. I thank my colleagues.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I ask unanimous consent to speak as in morning business.

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

TRIBUTES TO DEPARTING SENATORS

JOE LIEBERMAN

Mr. MCCAIN. Madam President, one of the most overused quotes about this town is Harry Truman's observation years ago that if you want a friend in Washington, go out and get a dog. I have spent a good many years here now. I suppose there is a little truth in that advice. Some Washington friendships are a little like temporary alliances between nations that for a brief period of time have mutual interests or enemies. But not all friendships here are like that, not all of them.

Today I say a formal fond farewell to a departing colleague whose friendship has been and will always be one of the greatest treasures of my life. My friend Senator JOE LIEBERMAN is retiring from the Senate after 24 years of service. Of course, he is not leaving, nor will he ever leave, the affections of those of us who have come to value him so highly as a statesman and as a friend, but we will not see him around the place as much.

His office will not be near ours. We will not hear him speak from this floor

or in committee hearings. We will not have the daily benefit of his counsel and his example. We will miss his contributions to the Senate. We will miss his good humor, his wisdom, and sincerity, especially in those moments when we find ourselves again wrapped around the axle of partisanship and politics has taken primacy over the Nation's interests, when tempers are frayed and we are consumed with putting each other at a disadvantage. That is when we will miss him the most, on those occasions when JOE's thoughtfulness and patriotism stirred him to remind us again, as he did earlier this week, that the public trust and not our party's fortunes is our most important responsibility.

JOE's presence, his wit and courtesy and kindness have improved the conviviality of our institution. But more than that, he has set an example that I think our constituents surely wish more of us would emulate. It is his conscience and devotion to America, not his party affiliation, that has inspired his work.

He has been a very accomplished legislator and a recognized leader on national security issues. He is a nationally prominent politician, majority leader in his State senate, the attorney general of the State of Connecticut, elected to the Senate of the United States four times, a vice presidential nominee in the year 2000, a candidate for President, and I should probably add nearly a nominee for vice president again.

That he managed to achieve such prominence while being the least partisan politician I know is a credit to his character and to the exemplary quality of his public service and to the public's too often frustrated desire for leaders who seek office to do something, not just to be someone.

He has been a tireless advocate for the rights of the oppressed, the misfortunate, the disenfranchised, and tireless too in his concern for the security of the United States, for the strength of our alliances, the excellence of our Armed Forces, and the global progress of our values. He came here to do justice, to love mercy, and to walk humbly with his God.

It is hard to find anyone here who does not like and admire JOE. He is impossible to dislike, even if one only knows him a little. Most of his detractors seem to be people who do not know him and who tend to view people very strictly through the perspectives of their ideology and partisan identity. The only thing to resent about JOE LIEBERMAN is that he is so damn considerate of everyone that you can find yourself feeling a little ashamed when he catches you raising your voice to someone or behaving in other ways that fall short of his unfailing graciousness.

He is not an easy example to emulate. I have fallen short of his standard more often than I care to concede. But I know, as I suspect most of us know, that our constituents deserve and our country needs more public officials who keep their priorities in the right order, as JOE always has, and who offer their respect for their colleagues without expecting anything in return but our respect.

We spent a lot of time together, JOE and I. We have traveled many thousands of miles together. We have attended scores of international conferences together, met with dozens of world leaders, with human rights activists, and the occasional autocrat. We have visited war zones, shared the extraordinary experience with equal parts gratitude and awe of talking with and hearing from the Americans who risk everything so the rest of us may be secure in our freedom.

I have been able to study JOE at close quarters. He has never failed to impress me as a dedicated public servant, a loyal friend, a considerate gentleman, a kind soul, and very good company. I have also been privileged to witness the sincerity of his faith. I have awaken in the middle of the night on a long plane ride to find JOE in his prayer shawl, talking to the God he tries very hard to serve faithfully every day. I have witnessed the lengths he goes to always keep the Sabbath, and occasionally I have even filled in as his Shabbos goy. I have enjoyed every minute of our travels together. He is a quality human being, and time spent in his company is never wasted.

I have worked with JOE on many issues and opposed him on more than a few. But I have always been just as impressed by him when we disagree as I am when we agree. He is always the same: good natured, gracious, and intent on doing his best by the people who sent him and the country he loves.

He is leaving the Senate, and I am going to miss him a lot. But I doubt any of the many friends he has made here will let him stray far from our attention. We will still rely on his wise counsel and warm friendship. I know I will. I hope we are not done traveling together. I hope to see him in other conferences and meetings abroad. I want to go back on the road and learn from him and just pretend he has not left the place that brought us together. He is as fine a friend as I have ever had and irreplaceable in my life and I cannot let him go.

Thank you, JOE, for all you have done for me; for your many kindnesses, your counsel, your company, and for teaching me how to be a better human being. I will see you again soon.

I yield the floor

The PRESIDING OFFICER. The Senator from Wyoming.

THE FISCAL CLIFF

Mr. BARRASSO. Madam President, for the past several weeks I have come to the floor to talk about the fiscal cliff and the threat it poses to our economy and to our Nation. As the deadline nears, the fiscal cliff has caused a lot of concern and a lot of uncertainty around the country. It appears that too many people in Washington are not serious about real solutions to get us back on solid economic ground. The White House and Democrats in the Senate are still not focused on spending cuts. They continue ignoring the real drivers of Washington's debt.

We know what they are. They are out-of-control entitlement programs: Social Security, Medicare, and Medicaid. Until we find a way to save and strengthen these programs, no amount of tax revenue will be able to match the increases in entitlement spending. According to the latest numbers from the Congressional Budget Office, the problem is actually getting worse.

In its monthly budget review for December, the Congressional Budget Office said the budget deficit for just the first 2 months of this fiscal year was already $292 billion. When we take a look at that and compare this pace, we will record our fifth straight year of a trillion-dollar deficit.

In just October and November alone, which are the first 2 months of this fiscal year, we are already $300 billion in the red. Total outlays for those 2 months were $638 billion. That is an increase of almost 4 percent over the same period 1 year ago. This increase in spending is much faster than the growth we are seeing in our economy. Defense spending is actually down about 2 percent from the first 2 months of last year. That may be the lone bright spot in the CBO's number. The problem is entitlement spending is growing even faster than the rest of government.

Social Security spending is up 6.8 percent. Medicare is up 8.1 percent. Medicaid is up over 9 percent compared to last year. Those are huge increases in just 1 year and they point straight to the problem we face. Those three programs by themselves account for 43 percent of all Washington spending for the first 2 months of this fiscal year.

Some Democrats say we cannot take steps to save and to protect these important programs for future generations. They say we cannot even discuss fixing this out-of-control spending as part of the fiscal cliff negotiations. That is unrealistic, and it is unsustainable. Without reform, we are facing the kinds of increases we see on this chart but getting worse next month and the month after that and then again beyond.

Without reform, it will keep getting worse until we drive our economy into the ground just trying to pay for these programs. There is a potential solution, and one potential solution or at least something that would help would be to adjust how we calculate entitlement benefits for inflation. As it stands now, the Bureau of Labor Statistics calculates two different versions of what is called the Consumer Price Index.

Both of these assume that a consumer buys a certain basket of goods and then they track the total cost of

that basket. A family buys a certain amount of gasoline, so much milk, so many muffins to have for breakfast and so on. The first measure is called the CPI–U, and it is what we consider the headline measure. It is what we read in the papers. It looks like what all urban consumers spend on that market basket of goods. That is why they call it the CPI–U—U is for ''urban.'' It is a number we use to index the tax brackets for inflation. That is how we decide what those brackets will be.

The second way they measure the CPI is called the CPI–W. That includes urban wage earners. The W is for ''wage earners,'' not all consumers. It also includes clerical workers and a few other professions. So it excludes anyone who is unemployed, retired, self-employed, and many other occupations. This is what the government uses for the cost-of-living adjustment to Federal benefits such as Social Security.

So we have one that they use to calculate the CPI for tax purposes and the tax brackets and the other, different, is what they use for Social Security benefits. It is very complicated. Both these systems have several problems. They both overestimate inflation. First, they assume consumers purchase the exact same basket of goods regardless of what happens to prices. So if the price of something such as muffins goes up, the CPI does not account for some consumers who will switch to toast or having something else for breakfast.

All American families understand that people change their behavior when prices change. Our understanding of inflation should take that into account. Another problem is that these versions of CPI cannot easily deal with the introduction of new products into the market. So how does something like the iPod affect consumer spending? How do we account for that, when the iPod was not in the market basket of goods before.

At what point do we start including cell phone bills or Internet access into a family's monthly expenses? It is not happening now. So we have these two different ways to measure inflation. They both have multiple flaws. As I have said, the flaws tend to overestimate the inflation people actually experience when they go to the store and they pay their bills each month.

We can see how this could be a problem over time. When the government increases what it pays based on an exaggerated inflation adjustment, the impact continues to accelerate. If we give someone an extra dollar to make up for inflation but their expenses only went up 75 cents, pretty soon all those quarters add up. It is bad fiscal policy and we actually cannot afford it anymore.

The cost-of-living adjustment should track, as closely as possible, to the actual cost of living. To address those flaws, what the Bureau of Labor Statistics has done is actually come up with a new and an improved measure for inflation.

It is called chained CPI, and it accounts for those changes in consumer choices and for new products and new technology.

If we use this version of CPI to adjust Federal benefits and tax brackets, CBO estimates that we would actually reduce the deficit by $200 billion over the next 10 years—over $200 billion in the next 10 years. That is the benefit of not overcompensating for inflation. The savings would be small at first, but over time they would grow, until 10 years from now we would have saved more than $200 billion. The savings get even bigger beyond the 10 years shown here in the chart, and that is because of the impact of compounding.

Now, with budget deficits of $1 trillion and more this year, last year, the year before, 5 years in a row, this one change to the inflation index—well, it won't wipe out the deficit on its own, but it is a start, and it is something we can do now that will pay big dividends down the road.

Of course, this isn't the only option. There are other ways to slow the increase in Social Security and make sure it is still around to take care of seniors in the future. We need to do something. Setting the cost-of-living adjustment using chained CPI is worth considering.

Now, even some Democrats have been open to this idea. According to Bob Woodward's book ''The Price of Politics,'' the White House was willing to look at changing the CPI as part of the so-called grand bargain last year. The Simpson-Bowles Commission included it as one of their solutions. The President himself reportedly had a version of chained CPI in his latest offer on the fiscal cliff. That is progress. It shows that some Democrats are open to serious ideas and real solutions. Because we need to do something to relieve the burden of Washington's crushing debt, this is something to consider.

More revenue is going to have to be part of the solution, and Republicans have said so. Substantial cuts in spending must be part of the answer as well. Washington does not have a revenue problem, it has a spending problem. That problem is centered on entitlement programs that are growing far too quickly. Switching to the chained CPI is a reasonable first step that we could take now to start to rein in Washington's out-of-control spending, allowing us to save and protect Social Security and Medicare for generations to come.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask to speak as in morning business.

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

THE FARM BILL

Mr. CASEY. Madam President, I rise today to talk about the farm bill, which is typically a 5-year bill, and we hope we can achieve that once again. We know the Senate passed a farm bill a number of months ago—actually, in June—but the House has yet to bring the bill to the floor of the U.S. House of Representatives. There is really no excuse for that. It doesn't make any sense, first and foremost, because of the impact this bill has on our economy, our farm families, the agricultural sector of our economy, and what it also means to make sure folks have enough to eat. This includes the antihunger and nutrition strategies in the farm bill as well. But, unfortunately, the House has not passed it.

I think the leadership in the House should consider why we need the farm bill to pass, and they should also consider what happened here in the Senate. We had a very bipartisan process, lots of amendments, and plenty of debate, but not some of the harsh debate we have seen in the context of other issues, and it worked very well. Not everyone got everything they wanted, and folks were willing to work together and compromise. We got a bipartisan vote in the Senate, and that is hard to achieve even on something as important as a farm bill.

I wish to commend the work that was done at that time by our chairwoman, Senator STABENOW of the State of Michigan. She led the fight, working with Senator ROBERTS. They worked together not just on the substance, but they worked together in a manner that allowed it to be bipartisan.

In my work representing the people of Pennsylvania, I have made it a priority to keep Pennsylvania's agricultural industry and our rural economy strong to support families in Pennsylvania. Agriculture is our State's largest industry. Pennsylvania's farm gate value, which is another way of describing cash receipts to growers, in the last number that we have, which is a 2010 number, was $5.7 billion.

A lot of people who probably haven't spent much time in Pennsylvania think of it as a State of big cities and small towns, but they may miss the substantial agricultural economy we have. Agribusiness in our State is a $46.4 billion industry, with 17.5 percent of Pennsylvanians employed in the so-called food and fiber system.

One of the questions we have to ask is, What does this all mean? Well, I think it certainly means at least that we need a 5-year farm bill, not a short-term farm bill. We do too much of that around here on other areas of public policy. We should do what we have always done in the Senate, long before I got here—pass 5-year bills with regard to the farm bill. It does create economic opportunities in rural areas, and it sustains the consumers and businesses that rely upon our rural economy.

The Senate-passed farm bill would reduce the deficit by approximately $23 billion through the elimination of some subsidies, the consolidation of programs, and by producing greater efficiencies in the delivery mechanisms in programs.

We are having a big debate about the end of the year and the fiscal challenges we have. When you have those debates, you have to come to the table with deficit reducers, ways to reduce deficit and debt. Passage of the farm bill would be in furtherance of that goal—a $23 billion reduction in the deficit. A short-term extension wouldn't provide the same reforms, nor would a short-term extension provide the cost savings.

When we consider what farmers and farm families have to do every day—I mean, they have to milk cows, and our dairy farmers do it so well and do it every day; they have to just do their job. Sometimes they wonder about Congress when they know we have a job to do and it doesn't get executed. We should follow their example and do our job. The House can lead on this because it is in their court, so to speak, right now, by reauthorizing the farm bill in a responsible way that helps contribute to deficit reduction.

I mentioned dairy farmers in terms of our agricultural economy in Pennsylvania. Dairy is the largest sector of that, so dairy is the largest sector of the biggest part of the Pennsylvania economy, which is agriculture. The industry generates more than $1.5 billion in cash receipts and represents about 42 percent of our total agricultural receipts.

Dairy farmers deserve the best program possible. The Senate bill contains many improvements that I support, but right now dairy farmers don't have any program to manage their risks in a time of low prices. By the first of January, the Department of Agriculture will be obligated to implement for dairy products what we call permanent law. What this means is that prices farmers receive can almost double, but it also means higher costs to the government and consumers, as well as longer term risks of lower consumer demand and increased imports.

So we need to make sure we take steps now to prevent some of the consequences of inaction, some of the consequences of the House not moving a 5-year farm bill through their process in the House.

There are so many other important items. I will just rattle off a few of them in the context of having a 5-year farm bill, not something less.

In the Senate-passed bill, we worked to address the unique concerns of specialty crop farmers, organic farmers, and new farmers—so-called beginning farmers. We did so in a bipartisan way.

Second, I am committed—and I know a lot of folks in this Chamber are committed—to rural communities. Those in my State of Pennsylvania are too numerous to count, the number of communities that are considered rural. Part of that effort that I have to undertake—and all of us should—is to support rural development programs that provide access to capital for rural businesses to provide economic opportunities and create jobs.

We have people take the floor here all the time and talk about small businesses or businesses in general and that Congress isn't responsive enough to businesses. Often, that is true. I would hope they would walk across and give the same speech to their friends in the House that one of the best ways to help rural businesses is to pass the 5-year farm bill right away.

We know farmers are the original stewards of the land and continue to lead the charge in protecting our natural resources. I believe the voluntary conservation programs in the farm bill provide important tools to help farmers comply with Federal and State regulations while keeping farmers in business. Conservation programs are an extremely important resource for many Pennsylvania farmers. We have a great conservation tradition in our State. This bill would enhance and build upon that great record of conservation in Pennsylvania and across the country.

We also wanted to focus on helping those who don't have enough to eat and making sure we are doing everything possible to enhance or improve nutrition by the many strategies in the farm bill that involve nutrition. There is no better opportunity to strengthen nutrition policy in the nutrition programs than through a well-crafted 5-year farm bill.

The people of Pennsylvania and folks across the country deserve certainty, and a 5-year farm bill would help us move in that direction. If the House leadership is serious about a prosperous future for the country, the House must pass the 5-year farm bill right now. I urge the House leadership to appreciate the significance of having a 5-year bill for farmers, for consumers, and for families. If the Senate, as it has done, can pass a bipartisan farm bill the way we did, I have no doubt—no doubt whatever—that the House can do the same.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

REMEMBERING DANIEL K. INOUYE

Mr. BLUNT. Madam President, I wish to talk about the disaster supplemental today, but before I do that, I would like to spend a minute talking about the Senator from Hawaii, Mr. Inouye. We were at the service this morning in the Rotunda of the Capitol, where only 31 Americans in the history of the country have been honored by that opportunity for Americans to think about them as they lie in the center of the Capitol on the catafalque that was used by Abraham Lincoln and others. I was able to place the wreath in the Capitol when Rosa Parks was in that same place.

I want to say how honored I was to get to serve in the Senate with Mr. Inouye. He not only was a hero in so many ways but I think connected all of us to the ''greatest generation,'' as Tom Brokaw titled that generation, and there was no better example of that quiet, purposeful, heroic dedication to service than the Senator from Hawaii, the President pro tem, the chairman of the Appropriations Committee, but most of all just a great American.

Last year when school was out, my youngest son Charlie was here for lunch. In the Senate Dining Room, he saw Mr. Inouye, and he had seen Ken Burns' World War II documentary in which the Senator was being recognized. He said: ''I saw him in the documentary on World War II.'' I asked Senator Inouye to come over to speak to Charlie and his friends, and he did. They were so thrilled to meet him.

Then, when that was over and the Senator walked away, Charlie then told a story from the documentary, which he had only seen once, and it had been about a month before, and he was 7. But he said that during the war, he captured a German soldier, and the German soldier reached in his pocket, and he thought he was going for a weapon, so he knocked him down, and as he fell down, the German soldier's hand—a bunch of pictures fell out. And at that time, young Daniel Inouye picked up the pictures, and they were of the man's family. And Charlie repeated—he said that he saw the pictures, and he said: ''He is a man just like me.'' The greatness of that moment, his courageous actions later in the war, his leadership have often brought to mind—particularly as I sat in the Appropriations Committee and would look down the table and see him sitting there in the middle of the table—the thought that when that man leaves, there won't be anyone quite like him to take his place.

I would say, Madam President, to you and to my colleagues how honored I was to serve with him and how proud I am of the great and dedicated service he gave to the country. I hope we can all learn from his example.

Madam President, let me spend a few minutes talking about the current disaster supplemental.

I believe when disasters exceed the ability of communities and States to deal with them, the Federal Government should help. That has been something we have done for sometime now. I think there are some problems in the system and the way we respond. Unfortunately, in Missouri, we have had too many opportunities in recent years to have experience with disasters and responses. On occasion, they have been disasters we could deal with. And actually, I have told people where I live: No, this is a disaster that really is a bad thing—the tornado hit, it didn't stay for long—but we can deal with this ourselves. I said that last year at an event we had in Branson, MO.

But when we had this devastating tornado in Joplin, MO, following two different floods in the same time period, I said: No, we can't deal with this on our own. We need others to come in and help us, as we will help them when they have a big problem. And that is what this supplemental should be doing.

In my view, the $60 billion supplemental is not the best way to deal with this at this time. I would rather see us deal with this when we know more about the money we need to spend. We have a March 27 deadline when the continuing resolution runs out. One of the questions I would have is: How much money do we need between now and then? There are others who might say, and I could possibly be persuaded, well, let's at least go until the end of the fiscal year. How much money do we need between now and September 30? But this goes beyond that.

When we had the Katrina disaster a few years ago we did at least three supplementals for Katrina. Eventually, we may spend more than $60.4 billion. But my view would be there are probably better ways to approach this than appropriating that money right now as opposed to appropriating it later when we know what it is for.

This bill should not be viewed, either, as an opportunity for Members of Congress to fundamentally alter the disaster funding programs. There is a legislative process to do that. It shouldn't be the disaster funding bill that we use to change the law. We should have that debate at another time, and I hope we will.

In the past, and under the Stafford Act, which is the disaster funding act, we have limited what we can do beyond just replacing what the disaster took away, and we have added a little to it. There is an argument one could make: Well, if the disaster destroys this, and there is a way to put it back within reason that makes it harder to destroy, we should do that. In fact, there was a cap. I think it was 7½ percent was the most we could spend for preventing future things from happening, mitigation. This spends about four times that much, and it changes the law permanently to allow it to spend four times that much. That is not the way this should be done. And my guess is, before we are done, it will not be the way it is done.

For too long I think we have not looked at how we spend money on disasters. We have not only worked in recent times within the Budget Control Act, we had, as I said, disasters in Missouri in 2011 where we had two major floods and we had an E5 tornado that devastated the sizable community of Joplin.

I was in Joplin last week at one of the temporary middle schools. The high school was destroyed, the vocational school was destroyed, the parochial school was destroyed, and I think six elementary schools. I don't mean they were damaged, I mean they were destroyed. To replace those we were able to figure out how to work within the Budget Control Act. We even put some disaster funding in the regular appropriations bills as it became obvious what was going to be necessary beyond what we immediately knew as a country was necessary. And I think we could do that here.

I was so concerned about what happened in 2011 I asked the General Accounting Office to evaluate several things: the disaster declaration process, the standards that FEMA uses to make a declaration, FEMA's management of its disaster relief fund, and the overall costs that were associated with disasters at the State, local, and Federal level.

Madam President, I ask unanimous consent to have printed in the RECORD the GAO report as part of this discussion.

Mr. President, I ask unanimous consent to have printed in the RECORD the Conclusions and Recommendations for Executive Action of the GAO Report ''Federal Disaster Assistance.'' (GAO–12–838)

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

CONCLUSIONS

Disaster declarations have increased over recent decades, and FEMA has obligated over $80 billion in federal assistance for disasters declared during fiscal years 2004 through 2041, highlighting the importance of FEMA's assessment of jurisdictions' capabilities to respond and recover without federal assistance. The PA per capita indicator is artificially low because it does not reflect the rise in per capita personal income since 1986 or 13 years of inflation from 1986, when the indicator was set at $1.00 and adopted for use, to 1999. By primarily relying on an artificially low indicator, FEMA's recommendations to the President are based on damage estimates and do riot comprehensively assess a jurisdiction's capability to respond to and recover from a disaster on its own. For example, on the basis of FEMA's actual and estimated disaster assistance obligations, more than one-third of the 539 major disasters declared during fiscal years 2004 through 2011 are expected to have total DRF obligations of less than $10 million, and more than 60 percent are expected to have total obligations of less than $25 million. Therefore, many of these declarations were for relatively small disasters. At a minimum, adjusting the existing PA per capita indicator fully for changes in per capita income or inflation could ensure that the per capita indicator more accurately reflects changes in U.S. economic conditions since 1986, when the indicator was adopted. Making the appropriate inflation adjustment to the indicator would raise it from $1.35 to $2.07. A change of this size in 1 year could present challenges for jurisdictions, which could find that disasters with PA damage estimates that would now qualify for PA would no longer qualify. Thus, phasing in the adjustment over several years could provide jurisdictions time to take actions, such as increasing any rainy day funds, to adjust to the effects of higher qualifying indicators.

A more comprehensive approach to determine a jurisdiction's capabilities to respond to a disaster would be to replace or supplement the current indicator with more complete data on a jurisdiction's fiscal resources, such as TTR, and would be informed by data on a jurisdiction's response and recovery assets and capabilities. Because FEMA's current approach of comparing the amount of disaster damage with the PA per capita indicator does not accurately reflect whether a jurisdiction has the capabilities to respond to and recover from a disaster without federal assistance, developing a methodology that provides a more comprehensive assessment of jurisdictions' response and recovery capabilities, including a jurisdiction's fiscal capacity, could provide FEMA with data that are more specific to the jurisdiction requesting assistance. For example, developing preparedness metrics in response to the Post-Katrina Act and Presidential Policy Directive–8 could provide FEMA with readily available information on jurisdictions' response and recovery capabilities. Without an accurate assessment of jurisdictions' capabilities to respond to and recover from a disaster, FEMA runs the risk of recommending to the President that federal disaster assistance be awarded without considering a jurisdiction's response and recovery capabilities or its fiscal capacity. As we recommended in 2001, we continue to believe that FEMA should develop more objective and specific criteria to assess the capabilities of jurisdictions to respond to a disaster. Given the legislative and policy changes over the past decade, we believe that including fiscal and nonfiscal capabilities, including available preparedness metrics in its assessment, would allow FEMA to make more informed recommendations to the President when determining a jurisdiction's capacity to respond without federal assistance.

Making informed recommendations to the President about whether cost share adjustments should be granted is important for FEMA and the requesting jurisdictions because every cost share adjustment has financial implications for both entities. A specific set of criteria or factors to use when considering requests for 100 percent cost share adjustments would provide FEMA a decision-making framework and enable more consistent and objectively based recommendations to the President. Also, when FEMA recommends that a cost share adjustment be approved and the President approves it, the federal government assumes the financial burden of paying 15 percent or 25 percent more in PA, which could total millions of dollars. Tracking the additional costs to the federal government because of cost share adjustments would allow FEMA to better understand the financial implications of its recommendations to the President.

FEMA's average administrative costs as a percentage of total DRF disaster assistance obligations have risen for disasters of all sizes. The agency recognized that delivering assistance in an efficient manner is important and published guidance to be used throughout the agency to help rein in administrative costs. However, FEMA has not implemented the goals and does not track performance against them. Over time, reducing administrative costs could save billions of dollars—dollars that could be used to fund temporary housing, infrastructure repairs, and other disaster assistance. Therefore, incentivizing good management over administrative costs by adopting administrative cost percentage goals and measuring performance against these goals would help provide FEMA with additional assurance that it is doing its utmost to deliver disaster assistance in an efficient manner.

RECOMMENDATIONS FOR EXECUTIVE ACTION

To increase the efficiency and effectiveness of the process for disaster declarations, we recommend that the FEMA Administrator take the following four actions:

1. Develop and implement a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond to and recover from a disaster without federal assistance. This should include one or more measures of a jurisdiction's fiscal capacity, such as TTR, and consideration of the jurisdiction's response and recovery capabilities. If FEMA continues to use the PA per capita indicator to assist in identifying a

jurisdiction's capabilities to respond to and recover from a disaster, it should adjust the indicator to accurately reflect the annual changes in the U.S. economy since 1986, when the current indicator was first adopted for use. In addition, implementing the adjustment by raising the indicator in steps over several years would give jurisdictions more time to plan for and adjust to the change.

2. Develop and implement specific criteria or factors to use when evaluating requests for cost share adjustments that would result in the federal government paying up to 100 percent of disaster declaration costs.

3. Annually track and monitor the additional costs borne by the federal government for the cost share adjustments.

4. Implement goals for administrative cost percentages and monitor performance to achieve these goals.

AGENCY COMMENTS AND OUR EVALUATION

We provided a draft of this report to DHS for comment. We received written comments from DHS on the draft report, which are summarized below and reproduced in full in appendix V. DHS concurred with three recommendations and partially concurred with the fourth recommendation.

Regarding the first recommendation, that FEMA develop and implement a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond to and recover from a disaster without federal assistance, DHS concurred. DHS stated that a review of the criteria used to determine a state's response, recovery, and fiscal capabilities is warranted and that such a review would include the need to update the per capita indicator as well as a review of alternative metrics. DHS stated that any changes would need to be made through the notice and comment rulemaking process and that, if changes are made to the per capita indicator, FEMA's Office of Response and Recovery will review the feasibility of phasing them in over time. However, the extent to which the planned actions will fully address the intent of this recommendation will not be known until the agency completes its review and implements a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond and, if the per capita indicator continues to be used, adjusts the per capita indicator to accurately reflect annual changes in the U.S. economy since 1986. We will continue to monitor DHS's efforts.

Mr. BLUNT. In the response portion of the report we will file, the GAO said a third of the disasters over the last 8 years cost the Federal Government less than $10 billion. They also said the level of loss necessary to declare a disaster hasn't changed in a couple of decades.

My concern was—and the report leveled it out—that when we do have a big disaster, such as Sandy, we have almost always spent all the money because it was pretty easy to have a Governor ask for a disaster and the President to declare it and then the money is gone.

FEMA primarily relied on the per-capita damage indicator as the criteria rather than whether the local community had the resources to deal with this on its own. There was no specific criteria at FEMA to decide at what point we paid various percentages up to 100 percent coming from the Federal Government. The FEMA administrative costs from 1989 to 2011 had doubled. It had increased from 9 percent of every disaster to an average of 18 percent of every disaster. So GAO recommended we do several things: that FEMA develop a methodology to more accurately assess what a jurisdiction was able to do; that we develop criteria to know when the Federal Government should accept all of the obligation—100 percent of the adjusted cost—and that we implement new goals to track why these costs of administering disasters were going up so dramatically.

Hopefully, we can do that, and we can look at the law at the right time in the right way. I know my colleague Senator COATS has led the way to propose an alternative to the $60 billion supplemental bill. His alternative of about $24 billion would provide the money necessary to be spent by good calculations between now and the end of March. This could be the right step for us to take now. I suspect, as we deal with the House of Representatives, it ultimately will be closer to the step we take. I just think we shouldn't use this bill as a time to change the law so we can spend money in ways the law currently doesn't allow. We shouldn't use this bill to speculate on what costs will be when we will know what those are. At the same time, I understand and appreciate this is a disaster where we should step in. We absolutely should step in and help people and the communities devastated by this disaster get back on their feet. We should do that, and I am going to do everything I can to see we do that. I just hope we do it in the best possible way instead of using this as an opportunity to do things that don't have anything to do with Sandy but may have some other goals that should be achieved in a more appropriate way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia.

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

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

DANIEL INOUYE

Mr. WARNER. Madam President, I rise to speak about a subject which I know I and the Presiding Officer and a number of our colleagues have spent an enormous amount of time on; that is, the challenges of our fiscal circumstances. Before I start, I wish to join with so many of my other colleagues who have come to the floor in the last few days to celebrate the legacy of our departed colleague Senator Inouye. I didn't know him as long as many of our colleagues did, but in the 4 years I have served in this body, he was truly someone who was always a gentleman and represented the best of what I think the Senate is all about.

THE FISCAL CLIFF

I wish to, as I mentioned, spend this time to speak about the need in our country to have a balanced deal on the debt and deficit and to avoid the fiscal cliff. We have witnessed these conversations going back and forth between the President and the Speaker, hoping—I think speaking for many—they would reach some deal. I am very disappointed by the recent actions of the Speaker and his so-called Plan B—a plan that would do nothing to make a significant dent in our fiscal challenges. I think many of us on our side, and I imagine many on the Republican side, realize it is not an approach that will get us where we need to go.

There have been many of us in this body who have been working on this issue for a number of years. I think the American public is probably growing fairly tired of hearing about the fiscal cliff and why this has all come about and why all of a sudden we are only now focusing on this issue.

The fact is our Nation has been on an unsustainable fiscal path for some time. We are currently $16 trillion in debt. Every day we do nothing, we add $3 billion to that total—debt that will at some point have to be paid by our children and, because it has gotten larger, by our grandchildren. The reality is this is debt we are going to have to deal with, those of us who serve in this body now, and we have got to start paying for it.

The remarkable thing as we look at this debt is there is nothing about it that is self-correcting. Time alone will not solve this problem. What I hear from around Virginia, and I am sure the Presiding Officer hears around Missouri, is: How did we get to be in such a dramatic, difficult position in the last 12 years, when 12 years ago our country was looking at surpluses? I think as a former business guy, looking at what our Nation has done—and mechanically both parties have been responsible for this—it is not too hard to understand why we are in such a deep hole.

Over the last 12 years, we have done a series of things that have put us in an unsustainable position. On the revenue side, we cut taxes by $4.5 trillion over 10 years, the largest tax cuts in American history. If we had simply cut taxes $4.5 trillion over 10 years and done nothing else on the spending side, we might have been able to sustain that. But at the very time we took this dramatic decrease in our revenues, we did five things on the spending side—again, things that for the most part were bipartisanly supported—that would ultimately make our financial situation unsustainable.

First, in the aftermath of 9/11, we doubled our defense spending. Second, also in the aftermath of the challenges we faced in a very dangerous world after 9/11, we created a whole new category of government spending called homeland security; again, much of it necessary. Third, we did something

that in American history was unprecedented. Our Nation went to war not once but twice without asking Americans for any level of sacrifice beyond our military and their families, and the cost of those wars didn't even go through the normal appropriations process; they simply went on the credit card.

The fourth thing we did was we recognized in our country that our parents and grandparents were having increasing burdens with the high cost of prescription drugs, so we created a brand new entitlement program, bipartisanly supported, called Medicare Part D; but, again, we didn't pay a dime for it. On top of all that—and this is one of the biggest challenges we have and this is actually a blessing—we are all living a lot longer than anyone would have anticipated. The guy who originally set 65 as a retirement age was Bismarck, when he was Premier of Germany in the 1870s, and he set it there because average life expectancy was mid-fifties. In this country, we are blessed to live to an average age of 80. A healthy woman in America has a life expectancy of 100. That is a blessing, but it means the math that goes into our entitlement programs no longer makes sense.

What does this fiscal cliff mean? It means the gap between our revenues and our spending is clearly unsustainable. We need to find a solution before our unsustainable debt swallows our economy.

Some folks argue we don't need a solution now; we have time and space, and we should stimulate the economy with more deficit spending. I think an appropriate measure of additional stimulus activity makes some sense, so I do support investing in our infrastructure, in research and development, and workforce investments. As a former business guy, those are characteristics any strong business would invest in and any strong country should invest in if we are going to continue to grow. But that alone is not enough, and our problems, which only continue to accrue and grow over the long term, must be dealt with. The U.S. Government, similar to any large enterprise, takes time to turn. The sooner we start that turn the better. As this crisis evolves and as we get into the final days before Christmas, we need a real deal now—one that addresses these problems in the long run and starts by phasing in improvements that will start to address our problems on the spending side, revenue side, and, yes, entitlement side, over the course of the next 10, 15, and 20 years.

Some people look to Europe and say austerity there is not working, and I agree. An austerity program that is too quick can only make our problems worse. But I also see parts of Europe that have said by simply kicking the can down the road they can ignore their problems, and the only thing worse than austerity is the bond markets forcing a crisis upon the economy—forcing a crisis that would require a spike in interest rates and make this divide between spending and revenues even more unsustainable. So if we wait 3 years, 5 years, 10 years, 12 years from now, we will be unable to safely deal with these problems. That is why we need a balanced and responsible deal now.

After the election, many of my colleagues, particularly those on the Republican side, have somewhat publicly acknowledged that we need new revenue and it has to be a part of the solution. Candidly, I believe that even some of the numbers the President has put forward dealing with revenue goals are too modest in terms of what is needed to be put back into the revenue stream—not to grow the size of government, but to simply pay our bills. It is critically important this new revenue is quantifiable, scorable, and maintains the progressive nature of our Tax Code.

I, as do many on my side, appreciate those on the Republican side for their willingness to accept this reality. At the same time, we must acknowledge that every serious, bipartisan group that has looked at the issue of our fiscal circumstances understands that if we are going to put our fiscal house in order, in addition to achieving additional revenue, we are going to have to find additional places to cut government spending and take on the question of entitlement reform.

I understand many of our entitlement programs are a critical lifeline for our seniors and those who are the most vulnerable among us, but we need to ensure these programs are able to continue not just for the current beneficiaries but for our kids and grandkids alike. We must realize entitlement reform has to be part of any long-term response to our fiscal challenges.

Members come to the floor all the time and throw out lots of facts about the challenges around entitlements. I wish to cite just two which show that while, for example, Medicare and Social Security have been remarkably successful and must be preserved, the current math around both of these programs doesn't work. In Medicare, for example, an average couple, over their lifetime, would pay in about $113,000 in payroll taxes. As they hit retirement and go on Medicare, they would receive back $380,000 in benefits over their lifetime. Obviously, this gap can't be maintained.

How were we able to do it for so long?

Well, for a long time in our country there were a lot more folks paying in than there were folks paying out. When I was a child, there were 16 people working for every one individual on Medicare or Social Security. Today that ratio has gone down to three folks working for every one retiree. In about 10 to 12 years, that ratio will go down to two people working for every one person on Medicare or Social Security.

Think: again, paying in an average of $113,000 in payroll taxes; taking out $380,000 in health care expenses. Folks, the math just does not work. So we must have a real, balanced, and responsible approach to deal not only with this fiscal cliff but to make sure the promise of Medicare, the promise of Social Security, is maintained.

But this is where we run into problems, and I fear we may not get to the solution we need. Knowing that we need both new revenue, that we have to find places to cut spending, and reform our entitlement programs to bring them back into sustainability, we have to have a solution that looks at both sides of our balance sheet, and Members of both parties must come together to support it.

It is remarkable that in this body there are still Members who believe there is going to be a Republican-only solution to this problem. We sometimes see those activities coming out of the House. But, just as there is not going to be a Republican-only solution, there is not going to be a Democratic-only solution as well. And one of the most remarkable things I have found in my 4 years of service in this Senate—and I think again about the Presiding Officer, who has taken on so many challenges—for those of us who have tried time and again to work across the aisle, there is very little reinforcement effort in this town for Members to do the right thing. In fact, in many cases, opposite forces dominate.

On both sides—both the left and the right—a number of stakeholders use scare tactics to preserve their own portion of the status quo. They dress up and use misinformation to scare the American people and run ads against politicians who would dare to break with their orthodoxy, in order to drive Americans apart.

In the last week or 10 days, we have started to take a look at some of the ads that have started to run in all of the Hill press and periodicals. Every day I get groups that come in—as I am sure the Presiding Officer does—and they all say: Senator, thanks for trying to work on this fiscal cliff problem. Thanks for trying to work in a bipartisan way. Try to get it done, just don't touch mine.

Let me give you a little bit of a sampling:

One ad we have seen recently has to do with the mortgage interest deduction. It is terribly important. Anybody who says tax reform has to take place, says it is going to generate more revenues; unfortunately, however, mortgage interest is one of the biggest tax expenditures in our Tax Code.

I like this one—Congress: Let's fight fraud first.

Well, who has not heard and said that the solution to all of our problems is if we can get rid of the waste and fraud? That may be part of the solution set, but that is not going to solve $16 trillion in debt.

Next we hear: Who cares if Medicare and Medicaid are cut?

Well, this is from the hospitals. I know what great job hospitals across

Virginia, across Missouri, and across America do. But if we wall off these, where are we going to find the additional resources?

Next we see this: Graduate medical education.

It is very important, something I have fought for as Governor, something I want to preserve. In this debate, as we look to try to expand health care in America, we have to train more doctors to make sure those who have been uninsured can receive the health care they need. But, again, one more program: Do not touch mine.

We could go all day with additional posters.

But here again: Let's make sure airlines do not pay any more; let's make sure we avoid sequester; let's make sure we do not touch charitable donations; let's make sure defense is not touched.

Well, everyone wants to solve the problem. Everyone says: Atta-boy. But they then turn around to say: Atta-boy, but do not touch mine. That is not how the real world works. That is not what the Founders set up when they created this unique experiment in democracy.

One of the most remarkable things about the American government was they set up an institution that was slightly dysfunctional on purpose—an independent House, an independent Senate, an independent Presidency. The only way things got done was if all groups worked together.

For the past 2 months, there has been—not just the past 2 months, but for many, many months—there has been lots of talk about the forces of division and reflexive ideology. I think we all are tired of those groups that go around and ask politicians: Sign this pledge, not a dime of new revenue. It is one I find one of the most repulsive.

And we have seen, and I believe, that additional revenues are needed. Let me assure you, frankly, if there is any deal, they will be part of the deal. And while we are not there yet, the President and the Speaker have come to an agreement that additional revenue must be part of the deal.

But that is not the end of the story. If we—those of us on the Democratic side—say we have an extra trillion dollars of revenue, that we can then walk away from this problem now and say we were victorious, well, if we do that, all we are doing is simply kicking the can. The truth is—and this is from economists from left to right—if we do not have a deal that is at least a minimum of $4 trillion in deficit reduction over the next 10 years—and that is at the low end—then we will not start to drive our debt-to-GDP ratio back into a sustainable position. The only way we are going to get there is, yes, counting the cuts we have already made, yes, looking for additional revenue, but also finding additional spending cuts and entitlement reform.

The President gets this, and he knows we cannot kick the can down the road. What I think has been remarkable is, as the President has laid out his plan and his vision, he has acknowledged that he has been willing to be open to hard choices, including reforms to our entitlement programs. One of which he has said he would be open to, with the appropriate protections, the so-called chained CPI. But once this was even mentioned, some groups, progressive groups that I have been proud to have the support of, have said that any change—any change—to Social Security or Medicare or anything that is as sinister as chained CPI cannot be a part of any deal. For these groups, they say any single dollar of what they consider to be a benefit cut in these entitlement programs is unacceptable, even if it helps ensure the sustainability of Social Security or Medicare.

This is not a path to a successful deal. This is not the path, the kind of compromise and balance that will make sure we actually do preserve Medicare and Social Security for the long term.

I have to say, it is surprising to me, when I hear some in my own party who come down and rightfully call out those on the other side who deny the science around climate change, that those very same folks sometimes then deny the math around entitlement reform.

I wish to take a moment to talk about this so-called chained CPI. Chained CPI, as certified by our official scorekeeper, the Congressional Budget Office, is an alternative measure of inflation that takes into account how people change the mix of products and services they buy or substitute as prices change.

What does that mean in English? It means in the old days, the way we used to measure how much inflation was taking place was if the price of bananas went up, well, you would not buy bananas. This says, in a more realistic estimation, if the price of bananas goes up, well, you might, instead of buying bananas, buy apples.

What does that affect? It means the chained CPI ''. . . provides an unbiased estimate of changes in the cost of living from one month to the next.'' Is it a perfect formula? Absolutely not. But there is no perfect formula to measure inflation.

What is remarkable about this debate—and this is just one small piece of any kind of comprehensive reform—is that experts on the left and right agree that this new measurement formula is more accurate and more appropriate. And it does mean that the rate of inflation will be measured as slightly less. It actually says that it will cut the rate of increase by roughly three-tenths of one percent.

I have heard Members come out here and say this will account for changes and dramatic cuts of 10, 15, 20 percent. This is cuts of three-tenths of one percent.

Who supports this so-called chained CPI? It must be only those forces on the right. And, yes, groups such as the Heritage Foundation and the American Enterprise Institute have come together and said this is a more accurate measure. What has not been emphasized is that groups that have bona fides on the Democratic side that are unquestioned—the Center for American Progress, the Center on Budget and Policy Priorities, the Washington Post editorial board, the President's fiscal commission, the Bipartisan Policy Center—have all said this ought to be one of the tools we use as we look at trying to make sure Medicare, Social Security, and other entitlement programs are reformed and made sustainable.

Now why do economists support chained CPI? Because it honors the commitment to maintain the purchasing power of spending and revenue policies. It provides savings across the budget, not just in entitlement programs but across other areas. It also raises revenues, and it contributes meaningfully to the long-term fiscal sustainability of the programs we want to protect. Because across the government we have indexed things to inflation. The Tax Code, the entitlement programs, all are indexed. They rise and decrease based upon inflation.

So again, this tool, while not perfect, all these groups have said needs to be part of any reform. This is not a new idea—I know, perhaps, it is on this floor—but this is an idea that has been discussed, debated, and endorsed by these groups from left to right for over the last 10 years. It does, as I mentioned, both increase revenues and lower spending. Because, again, it is a more accurate measure of policy adjustments that Congress has already decided to make.

There are some who say: Well, what will this do to Social Security? That is an important part of this conversation. I for one believe Social Security needs to be reformed, and I believe Social Security reform ought to take a separate path from debt and deficit reform. I understand for many seniors, Social Security is a lifeline and it is without question the greatest social program in the history of our country. We as legislators need to protect that program.

But what we do not hear from those who come out and advocate for Social Security is the recognition that Social Security is on a path toward insolvency. If we do nothing about this wonderful program, under current law it will basically run out of money, which will mean a 25-percent across-the-board cut in benefits as early as 2033. And that number—as we continue to grow older, the actuaries keep coming up each year and making it earlier and earlier.

Now 2033 sounds like a long time away. What it means is, for some of our folks who work here, if you are 46 years old today, that would mean at age 67 you would see your benefits cut by more than a quarter—again, unless we act. This is not a self-correcting problem.

There are other things we need to do around Social Security, such as raising the cap on the amount of income that is taxed. But those who say we should put off questions about Social Security or Medicare to some other day refuse to also recognize the reality that none of this self-corrects, and the sooner we start down the path of reform, the sooner we can make sure the promise of these programs will last.

But, again, instead of worrying about the potential of a 25-percent cut in Social Security benefits for folks who today are 46 years old, they talk about the fact that, yes, there may be some slight cutback in immediate benefits—not, though, 20 percent, not 3 percent, not 1 percent, but a decrease of three-tenths of 1 percent in the amount of increase each year.

There are ways that if we use this tool, to make it more fair and balanced. Because we must make sure that we protect the most vulnerable in our society.

I was part of a group the Presiding Officer, I believe, supported, the so-called Gang of 6, which built on the President's Commission on Fiscal Responsibility, that said if we are going to do something like chained CPI, we also need to make sure we ensure protections for the most vulnerable. Which basically included things such as raising the minimum benefit for that bottom 20 percent of folks on Social Security; for making sure, as we add our aging population, that those individuals who outlive their pensions—the fastest growing group of Americans are folks above the age of 85—that they would receive an additional bump up as well.

We must also recognize, if we are looking at something like chained CPI, that we have special obligations to protect our veterans and the least fortunate among us. So any use of this tool ought to have special rules and include exclusions for veterans and SSI beneficiaries.

As I mentioned before, I personally believe raising the cap on the payroll tax is another part of the tools that we ought to use. But too many of the groups that are attacking this or any other effort to look at a balanced approach of, yes, additional revenue; yes, additional cuts; and, yes, reforms to our entitlements, do not mention that there are ways to mitigate some of these challenges.

It is also important to mention, with these ideas, at least from my position, every dime of impact that chained CPI would have on Social Security, those savings would have to remain in Social Security to make the program more solvent.

But this discussion about chained CPI is just the current flashpoint. The bigger issue is how we are going to get to that question of what I believe is, at minimum, a $4 trillion deal. Any budget deal between the Speaker and President, I believe, will probably contain enough things that everyone will look at it and find a lot to dislike. If not, they probably have not done their job. To single out any one thing and to be absolutely opposed to a deal, regardless of the other parts of the package, to me, would be the height of irresponsibility.

Again, I know there are others who say this whole debate about the fiscal cliff is imaginary and simply created by politicians. Well, I have to acknowledge, as somebody who spent 20 years in business and a number of years now in elective office, I do not know for sure what the effect would be if we go over the cliff and see taxes go up on all Americans, to see these across-the-board cuts take place.

But I do know this: If the chance is only 5 or 10 or 15 percent that going over the cliff would throw this economy back into a deep recession, there would be nothing that would rob more Americans, and hurt our most vulnerable citizens more, than having their house go back underwater because of a rise in interest rates, or the potential that a job disappears because an employer decides to end up—no longer to play, or unemployment benefits not get extended because we chose to punt rather than to deal with this issue.

Again, if we go over a cliff, and if the chances are only 10 percent that it throws us back into a deep recession, unlike in the past, unlike the fiscal crisis in 2008, we do not have extraordinary measures of stimulus or the Fed being able to dramatically lower interest rates.

So I believe we do need this balanced, responsible—at least a $4 trillion deal; a deal, again, that I believe counts the cuts we have already made, that adds additional real revenue.

Again, as I mentioned earlier, I think the President has started too low in terms of the amount of revenue we need. We took $4½ trillion out of the revenue stream over the last 10 years. I think to say that putting back at least one-third or 40 percent of that would be much more appropriate than what is being discussed right now.

It does mean that all of us need to make some hard choices about spending, and make sure the entitlement programs which have been so successful are sustained.

In closing, let me make a few final comments. I believe any final deal must ask those of us who have done well—and I have been blessed in this country to do very well—to pay their fair share. Beyond that, we have to look at a tax reform package that will actually make our Tax Code simpler, fairer, and generate more revenue than even what has been suggested in the current conversation.

It means, though, recognizing that we cannot solve this problem with budget cuts alone, it means Medicare and other entitlement reform must be serious and part of the conversation; that we honor our commitment not only to those beneficiaries who receive these important benefits now, but to make sure that 20-year-old, 40-year-old, and 50-year-old is going to have those benefits as well.

No matter what we do, we cannot only cut and tax our way out of this problem. It must include a growth agenda. Finally, as I know the Presiding Officer has made points time and again, it must contain real protections for the most vulnerable amongst us.

The President and Speaker are still working. I am hopeful they will get a deal. We, as Americans, and as legislators, owe them the space to make a deal, the opportunity to combine things people on each side might not like, in isolation, with policies that address these greater concerns. But now is not the time to be against things without knowing the critical details about how and where they will work.

It is not time to confuse the true facts or the actual math involved, regardless of which side to which you belong. I have spent the last 2½ years in this body trying to work with folks on both sides to get us to a deal. I believe there is nothing that will do more to generate job growth and economic activity than making sure we have a real deal that does not kick the can and actually passes muster.

I have to acknowledge at times I, like I know many of my colleagues, grow very frustrated with the back and forth. Clearly, what is going on in the House right now is not a serious effort to address this problem.

I see the new chair of the Appropriations Committee here. I will wrap up. I want to commend the Senator from Maryland, my good friend, for her new position. I believe she will lead us back to a path where we have regular order to make sure we appropriately look at how we spend the resources we receive. But we must no longer punt on this issue.

At moments of greatest frustration—and there are many for me as I know there are for many Americans, as they get tired of hearing about the back-and-forth and the Kabuki dance going on right now. It is in moments of greatest frustration, that I always fall back on that wonderful Winston Churchill quote:

> You can always count on the Americans to do the right thing, after they have tried everything else.

Well, it seems to me, in this debate we have tried everything else. We have accused back and forth. We have been unwilling to recognize the reality for the need for revenues or the recognition that we have to make sure our entitlement programs are sustainable. I hope and pray as we move closer to this Christmas season that our leaders, and then all of us from both sides, can come together and make sure that we address this issue; which I believe that until we address it, we will not be able to address the host of issues which confront our country.

I yield the floor.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. SANDERS.) The pending business is H.R. 1.

Ms. MIKULSKI. Mr. President, I rise and ask unanimous consent to speak for 3 minutes as in morning business.

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

APPROPRIATIONS COMMITTEE CHAIRMANSHIP

Ms. MIKULSKI. Mr. President, I just wanted to come to the floor—I know other Senators are speaking—to say to the rest of my colleagues and to many people who have expressed interest, the Democratic caucus has just confirmed me to be the full chair of the U.S. Senate Appropriations Committee.

I take the floor today to announce that with great humility. I am filling the footsteps of Senator Danny Inouye, who was indeed a giant among men, a war hero, and an advocate for social justice, national security, and a compassionate government.

I want to just say to my colleagues, as I assume this chairmanship, I look forward to working with each and every Member of the Senate, both within my own caucus and across the aisle, to have a committee that functions on a bipartisan basis.

The Appropriations Committee is a constitutionally mandated committee. The Appropriations Committee is governed by the Constitution of the United States, by the laws of the land, and by the rules of the Senate. Under the Constitution, the Founding Fathers said every year there should be a review of the annual Federal expenditures. That is what our committee will do. We will bring forward legislation that will show what are the expenditures of the United States Government, what we propose to be ratified by the full Senate.

We will do it, first of all, on a bipartisan basis. One of the first calls I received when I knew this honor would come to be chair was to reach across the aisle to Senator RICHARD SHELBY of Alabama, my good friend and colleague who is now the ranking member on the Appropriations Committee, to reach out to him, as I did in a phone call. And I say publicly today that when we look at how we are going to spend the money and how we are going to meet our national security needs—but our compelling human needs in this country, and public investment in our children, in our future, and how to promote our economy—we need to do it on a bipartisan basis. I want to thank Senator SHELBY because he assured me of his cooperation to do so.

Our committee will function in a way that is open, transparent, and we wish to follow the regular order. What we want to do in following the regular order is to ask our colleagues to join with us so that we move the urgent supplemental which so many American people are depending on us to pass, this legislation to meet the needs of individual assistance to restore homes, lives and livelihoods.

It is going to be a new day in the Appropriations Committee, but we are going to follow old-school values of the men who went before us: Dan Inouye, Ted Stevens, men who fought in World War II to defend America. They stood on this Senate floor to defend the Constitution. They spoke for their States. That is what we are going to do. I want everyone to know, we also will want to ensure that our spending reflects our values to protect our country, to protect vulnerable populations, and to also prepare America for the future.

I will have more to say about all of this at a later time. I just wanted to say, I take this not as an honor but as a great responsibility. I am so appreciative of the caucus that confirmed me. I am very appreciative of the way Members of the other side of the aisle also reached out.

If we take the time to listen to each other, to respect each other and listen to the needs of the people, we can work to get more bang out of the buck, get more value for the dollar. We can have a strong economy, a safer country. We can be frugal without being heartless.

At the same time, we can assure the taxpayers we have heard them. They want us to do a better job with our spending, but at the same time they want to see it in an open process. I just wanted to come to the floor to say that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JON KYL

Mr. MCCONNELL. I rise to pay tribute to a dear friend and an extraordinary public servant, Senator JON KYL. For the past 18 years, it has been my honor to serve alongside JON in the Senate, and it has been my great privilege to get to know him personally and to work with him as closely as I have.

JON has built a well-earned reputation as one of the great policy minds of our time. He has an encyclopedic knowledge of domestic and a keen interest in foreign policy, and we all know he is one of the hardest working Members of Congress.

He has been a leader on his own State's interests, and he has emerged as one of the strongest leaders in our entire party on the issues of nuclear strategy and arms control. JON has explained to an entire generation of Republicans President Reagan's enduring philosophy of peace on strength and then applied it.

JON has been a zealous proponent of a strong missile defense, and more than any other Senator he helped ensure that the United States had a working nuclear arsenal after the Cold War had ended because, in his view, a strong America that can deter a threat is always the best avenue to peace.

Over the past decade, JON has applied that same standard to the war on terror, and no one, no one has worked harder to explain the threat of Islamist terrorism or helped equip our Nation with the tools we need to confront and defeat it than JON KYL.

Not enough thought has been given to the role of nuclear weapons in American foreign policy and how strategy will evolve as our conventional military is drawn down due to a diminishing investment and how nuclear weapons will be employed to support the articulated strategic pivot to the Asian Pacific theater. The Senate and the country will be well served by JON's thoughts on these challenges over the coming years. Fortunately, he has thought ahead by encouraging others to step into the void after he leaves.

Throughout his time in Washington, JON has been guided, as he explained in eloquent detail yesterday, by a profound belief in and commitment to the expansion of freedom and the three primary areas where that commitment plays out in the public square: growth-oriented economics, the social policies that make limited government possible, and any policy that emphasizes a strong and sovereign America. These three pillars have been JON's guidepost, and we have all benefited tremendously over the years as a party and as a nation from his faithful application and patient explanation of the enduring importance of all three.

In short, JON is whip smart, and he is a passionate believer and defender of American exceptionalism. But besides all this, he is also a fantastic individual, with a peerless reputation on both sides of the aisle as a man of principle and integrity. I have personally benefited from JON's policy mind and advice countless times, and, JON, I want to say how grateful I am for your steady hand and wise counsel over the years.

I always knew I could throw JON into the middle of any fight, confident our team would own the field. He wasn't just prepared, he was eager to take on the most thankless tasks, and he never ever let me down.

One suspects the seeds of JON's wisdom and equanimity were planted in his upbringing in the Midwest. As a young boy growing up in Nebraska and Iowa, he learned the value of hard work. His dad led the local chamber of commerce and worked as a high school principal and superintendent. Later on, he joined JON's uncle in the clothing business—and eventually he served six terms in Congress.

It was a stable, happy, middle-class childhood centered on work, family, and service. It laid a solid foundation for JON's later successes. ''It was very important to Dad,'' JON once said, ''that we recognize that even though we weren't rich, we still had an obligation to get involved and give back to the country.''

After graduating from high school, JON enrolled at the University of Arizona, where he was very much the bundle of energy that anybody who has ever walked more than 10 feet with him is familiar with. Incidentally, I am told that you don't want to go on a hike with JON unless you are a trained Olympian. He hikes up Camelback Mountain almost every weekend he is home, and there are two routes; one is somewhat challenging and the other one is akin to a Stairmaster. JON takes the Stairmaster because it is faster. He climbs up without stopping, and then as soon as he gets to the top, he comes right back down. Most people stop to eat an apple or look at the vista—not JON. He powers right back to the bottom. There is too much work to be done.

During his college years, JON got involved in debate, politics, and a number of service organizations, graduating with honors in 1964. It was also during his college years that JON fell in love with Arizona, its red sunny vistas, big skies and warm inviting people. It is there that he fell in love with Caryll Collins, whom he met at church one Sunday and who has been his constant companion and his anchor ever since.

I know JON would agree that without Caryll's support, patience, and understanding he would never have been able to accomplish all he has over the years. JON and Caryll have been married nearly 50 years. They have raised two great kids, Kristine and John. They have seven grandchildren. They have been blessed.

After college, JON went on to earn a law degree from the University of Arizona College of Law, where he was editor of the Law Review. He must have had some great teachers because it is hard to imagine anyone who loves the study and the application of the law as deeply as JON KYL.

JON practiced at a firm in Phoenix for 20 years when he decided to follow his father's footsteps instead and take a turn toward public service. As one long-time friend described it:

> [Jon] sat down with . . . Caryll, who is really his partner, and decided it was time. . . . He could have been a rich man. But he decided this was more important.

JON ran for Congress in Arizona's Fourth District and won handily, serving eight terms before winning his Senate seat in 1994.

One way to illustrate how hard JON has worked over the years is to look at the coverage he got then versus the coverage he gets now. When he first ran for office, one unfriendly paper called him an enigma. But by 2006, that same paper would describe him as a ''national, political figure . . . and one of the five most powerful Senators in Washington . . . a man who most everyone says is a hardworking, keenly intelligent, humble, civilized gentleman who seems always to be doing what he believes is best for America.'' Most of us couldn't get that out of our own press secretaries, let alone the hometown paper.

But it says everything we need to know about JON KYL. His work ethic is legendary. For 15 years, JON labored mostly behind the scenes on one of the most complicated and sensitive issues in Arizona politics, settling American Indian claims to Colorado and Gila River water and resolving an intergovernmental dispute about how much money Arizona should pay for the Central Arizona Project, completed in 1993.

These were longstanding, thorny, legal, and political issues in Arizona. Some thought a settlement was impossible. They didn't know JON well enough. By 2004, he had succeeded in passing the Arizona Water Settlement Act, simultaneously resolving the outstanding Indian lawsuits and resolving the issue of Arizona's reimbursement rate to the Federal Government.

According to one political commentator, ''It was the most far-reaching Indian water settlement in history,'' and it ''wouldn't have happened without the hard work and keen legal mind of JON KYL.''

As JON himself put it:

> It was one of the hardest things I've ever done, but I was in a position to be the catalyst. There wasn't anybody else who could do that water deal. And it had to be done.

JON's work on water settlements carries a lesson for all of us. Similar to any true leader, he saw the need to do something, not just for the folks who elected him but for the generations of Arizonans to come. He thought ahead, and now the people of Arizona can go about their daily lives without having to worry about water at all for generations to come. It will be a huge part of his legacy—and it went more or less unnoticed by most folks in Washington. That is why JON truly embodies the old maxim, popularized by President Reagan, who had it placed on his desk, that there is no limit to what a man can do or where he can go if he doesn't mind who gets the credit. He almost seems to relish the thankless task. A lot of people don't know this, but JON actually volunteered to serve on the supercommittee.

At press conferences, JON has even been known to lean up against a wall so others get noticed instead of him, which, as we all know, is pretty unthinkable to most of the folks around here.

JON's intelligence and personal humility are just two of the reasons he has been so good at persuading people to his view. He persuaded his colleagues to oppose President Clinton's Comprehensive Nuclear Test Ban Treaty. He has used his immense powers of persuasion literally countless times as minority whip, and he has done all this without ever offending anybody.

He is that rare politician who manages to always stand on principle without ever damaging a relationship. I mean it when I say that to the degree I have had any success at all in my role, it has been only because JON KYL has been my partner, counselor, and friend.

JON always tells folks he is serious because the issues he deals with are serious, and I can't tell you how grateful I am that we have had him for as long as we did and how much I will miss having JON KYL around when the gavel falls on the 112th Congress.

One last point. People who know JON well know he is a huge NASCAR fan. He knows the drivers. He knows the lingo. He goes to two big races every year in Phoenix and nothing, I mean nothing, can keep him from going.

Why do I mention this? As a young lawyer, JON used to volunteer to be the lookout guy on the hill around the track. This is a guy who keeps a lookout for oil on the track. His view was it might not be the most glamorous work but that it was essential to maintain the safety and the integrity of the race to have someone up there on the lookout. I can't think of a better way to sum up his service in Washington.

JON has been that serious, behind-the-scenes legislator who always did what needed to be done. He was happy to do the work while others took the credit, and he was happy to explain any issue to anyone and to provide not only the intellectual explanation for the right policy but the elbow grease to get it enacted into law. What mattered to JON was the good of the country.

He has been a model public servant. And, JON, I can't tell you how grateful we all are that you were. Thank you for everything, my friend. I truly hate to see you go.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will just say thank you to my leader. There is a lot that is enjoyable, some not so enjoyable, about serving here in the Senate. But my time as whip in particular has been one of the most enjoyable things I have done, both because it is in behalf of our colleagues here, helping to get things done, but also because I have been able to work alongside a great leader in Republican leader MITCH MCCONNELL. I will treasure that always, and I am deeply grateful for the comments he made today.

Thank you.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, before Senator KYL leaves the floor, I would like to join the Republican leader in congratulating him on his public service. He and I came to the Congress the same year, after the 1986 elections—we are part of the 100th Congress—and we became friends. I couldn't agree more with the Republican leader and his example of following your convictions with the highest degree of integrity in the work you have done. I had a chance to serve with you on the Judiciary Committee, and I can tell you that you added greatly to the respect for that committee and our respect for the process and for the rule of law and for civil liberty issues. And most recently, with the work you did on the Magnitsky bill, the Republican leader

is absolutely right—you did not seek the headlines on that legislation, but it could not have been done without your direction and your help.

I just want to thank you for what you have done to advance the reputation of the Senate and public service, standing by your convictions, yet doing so in a way that we could work together, respecting everyone's right to be heard and our right to work together. You are indeed a model Senator, and it has been an honor to serve with you in the Senate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would respond by saying thank you very, very much. I would just add one other thing. In this Senate family, although we may be of different parties, we make good friendships, and it should not go unnoticed that our spouses also make good friendships. This is a case where my wife and Senator CARDIN's wife are very good friends, which necessarily draws us closer together, and for that we should both be grateful as well.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Senator KYL is absolutely right. I get my best information from Myrna as to what is going on in the Senate. So I appreciate his comments.

HUNGARY

Mr. CARDIN. Mr. President, as the Senate chair of the Helsinki Commission, I have a longstanding interest in Central Europe. For many years the Helsinki Commission was one of the loudest and clearest voices to speak on behalf of those oppressed by communism and to call for democracy, human rights, and freedom from Soviet oppression. It has been a great triumph and joy to see the peoples of this region free from dictatorship.

Over the past two decades I have been profoundly heartened as newly freed countries of Central Europe have joined the United States and NATO and have become our partners in advocating for human rights and democracy around the globe. Leadership on those issues may be especially important now as some countries in the Middle East undertake transition, the outcome of which is far from certain. Even in Europe, in the western Balkans, there is a crying need for exemplary leadership, not backsliding.

Americans know from our own history that maintaining democracy and promoting human rights are never jobs that are finished. As my friend and former colleague Tom Lantos said, ''The veneer of civilization is paper thin. We are its guardians, and we can never rest.''

For some time I have been concerned about the trajectory of developments in Hungary, where the scope and nature of systemic changes introduced after April 2010 have been the focus of considerable international attention.

At the end of November, Hungary was back in the headlines when Marton Gyongyosi, a member of the notorious extremist party Jobbik and also vice chairman of the Parliament's Foreign Affairs Committee, suggested that Hungarian Jews are a threat to Hungary's national security and those in government and Parliament should be registered. The ink was barely dry on letters protesting those comments when another Hungarian member of Parliament, Balazs Lenhardt, participated in a public demonstration last week where he burned an Israeli flag.

The fact is that these are only the latest extremist scandals to erupt in Budapest over the course of this year. In April, for example, just before Passover, a Jobbik MP gave a speech in Parliament weaving together subtle anti-Roma propaganda with overt anti-Semitism blood libel. After that, Jobbik was in the news when it was reported that one of its members in Parliament had requested and received certification from a DNA testing company that his or her blood was free of Jewish or Romani ancestry.

At issue in the face of these anti-Semitic and racist phenomena is the sufficiency of the Hungarian Government's response and its role in ensuring respect for human rights and the rule of law. And the government's response has been, to say the least, wanting.

First, it has been a hallmark of this government to focus on blood identity through the extension of Hungarian citizenship on a purely ethnic basis. The same Hungarian officials have played fast and loose with questions relating to its wartime responsibilities, prompting the U.S. Holocaust Memorial Museum to issue a public statement of concern regarding the rehabilitation of fascist ideologues and political leaders from World War II.

I am perhaps most alarmed by the government's failure to stand against the organized threats from Jobbik. For example, in late August a mob estimated at 1,000 people terrorized a Roma neighborhood in Devecser, taunting the Romani families to come out and face the crowd. There were reportedly three members of Parliament from the Jobbik party participating in that mob, and some people were filmed throwing bricks or stones at the Romani homes. The failure to investigate, let alone condemn such acts of intimidation, makes Prime Minister Orban's recent pledge to protect ''his compatriots'' ring hollow.

Of course, all this takes place in the context of fundamental questions about democracy itself in Hungary.

What are we to make of democracy in Hungary when more than 360 religious organizations are stripped of their registration overnight and when all faiths must now depend on the politicized decisionmaking of the Parliament to receive the rights that come with registration?

What are we to make of the fact that even after the European Commission and Hungary's own Constitutional Court have ruled against the mass dismissal of judges in Hungary's court-packing scheme, there is still no remedy for any of the dismissed judges?

What is the status of media freedom in Hungary, let alone the fight against anti-Semitism, if a journalist who writes about anti-Semitism faces possible sanction before the courts for doing so?

What are we to make of Hungary's new election framework, which includes many troubling provisions, including a prohibition on campaign ads on commercial radio and TV, onerous new voter registration provisions, and limits on local election committees, which oversee elections?

I find it hard to imagine that Jews, Roma, and other minorities will be safe if freedom of the media and religion, the rule of law, the independence of the Judiciary, and the checks and balances essential for democracy are not also safeguarded. With that in mind, I will continue to follow the overall trends in Hungary and the implications for the region as a whole.

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

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

(The Remarks of Mr. DURBIN are printed in today's RECORD under ''Morning Business.'')

ESTABLISHING THE DATE FOR THE COUNTING OF ELECTORAL VOTES

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 122, received from the House and at the desk.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res 122) establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. I ask unanimous consent the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 122) was ordered to a third reading, was read the third time, and passed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT Continued

The PRESIDING OFFICER. The Senator from Alabama.

REMEMBERING DANIEL K. INOUYE

Mr. SHELBY. Mr. President, earlier today a lot of us, Members of the Senate, joined the family and friends of our great colleague who passed away earlier in the week, as they brought his body into the U.S. Capitol. I rise here this afternoon to extend some of the tributes that we have made to the memory and to the life of Senator Inouye.

For the past 26 years I was privileged to serve alongside Senator Inouye in this Chamber. I came to know him as a wise counselor, a skilled legislator, a formidable negotiator, and a trusted friend. His unassailable reputation as an American hero, however, had been forged long before any of us here ever met him.

Senator Inouye did not demand respect. He commanded it. The reasons for this are many. In 1941, he witnessed firsthand the horror at Pearl Harbor. As a Red Cross volunteer, he cared for his fellow citizens injured in the attack. Not long thereafter, he joined the 442nd Regimental Combat Team. He was determined to serve his country despite the fact that he, like all Japanese-Americans, had been deemed an ''enemy alien'' when the U.S. declared war on Japan.

As a young military officer in 1945, Daniel Inouye led his unit in a successful attack against a Nazi fortification in northern Italy. The valor, courage, selflessness, and determination he displayed during the battle are the stuff of legend, and would later earn him the Medal of Honor. During this attack he sustained serious permanent injuries that served as constant reminders of his sacrifice for our country.

Senator Daniel Inouye began his political career as a member of Hawaii's Territorial House of Representatives in 1954. Almost immediately, his colleagues tapped him as the majority leader of that body. His tremendous leadership ability was already apparent. He then ascended to the Territorial Senate in 1958, and became Hawaii's first U.S. Congressman upon the granting of statehood in 1959. Only 3 years later, Daniel Inouye became a U.S. Senator. He was elected to a staggering 9 consecutive terms, continuing to serve until his passing. It is a testament to his effectiveness as a Senator and his devotion to his State that no challenger ever mounted a serious threat for his seat.

Through his hard work in the U.S. Senate, Senator Inouye helped to ensure that Hawaii's economy and people prospered. As a member, and later chairman, of the Appropriations Committee, Senator Inouye skillfully secured myriad infrastructure, natural resource, cultural, job training, and agriculture projects for his State. As a member of the Appropriations Committee I learned valuable lessons by observing Senator Inouye over the years. He understood the art of the deal, always operating out of mutual respect toward shared interests. And I can not recall a time when he did not deliver for the people of Hawaii. While he never lost focus on the interests of his State, he also maintained eternal vigilance on matters of national security. As a war hero, his attention to veteran affairs and military needs was unsurpassed.

In addition, Senator Inouye served as the first chairman of the Select Committee on Intelligence. As a former Chairman of this committee, I was honored to carry forward the rigorous oversight example he set. By the time his career ended, Senator Inouye had become the second longest serving senator in U.S. history.

His list of accomplishments and honors is seemingly unending. In fact, it is among the most impressive compiled by any who ever set foot in this Chamber.

Senator Inouye never talked about any of this. He was not brash or boastful or domineering. Rather, he carried himself with quiet reserve and firm resolve.

Senator Inouye's life story speaks for itself and demonstrates a faith in and devotion to our country second to none. He was one of the most decent and inspiring people I have ever known. I am proud to have served with this great man and to have called him a friend. I offer my deepest condolences to his wife and family during this difficult time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. I ask unanimous consent I may speak on the Senate floor as in morning business.

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

SENATE RULES CHANGES

Mr. MORAN. Mr. President, the Senate, of which I am a new Member, was at one time called the world's greatest deliberative body. Its rules have remained largely unchanged since the origin of the Senate. This Chamber's distinguishing attribute has undoubtedly been its right of unlimited debate and its greatest protections are the rules put in place to defend that right of debate.

I am worried about the talk now of destroying any Senator's ability to filibuster, to delay consideration of a bill, because it is a fundamental right of all Senators to express their opposition to legislation even when that Senator stands alone—when you are the only one who opposes that legislation. This is an important right, protecting a Senator's right to object and a Senator's right to represent his or her own constituency.

Something tells me the desire to curb this unlimited debate of the Senate doesn't really come from a failure of the Senate's rules but, rather, a desire by some to see that an agenda can be pushed through by ignoring that minority right, by overriding the objections of an individual Senator on behalf of his or her constituents.

The rules of the Senate should not be targeted for change until we look at what the problems are in the way we conduct our business currently. For so long—again, I have only been here 2 years, but for the 2 years I have been here, it seems to me that often the majority has obstructed the ideal of unlimited debate and put undue stress on the rules of our Chamber. The practice of the majority party has prevented me and my colleagues from contributing to the legislative process in several ways. Rather than encourage debate and compromise by welcoming amendments, often, as we say here, ''the tree has been filled,'' or, in the way we would say it in Kansas, we fill up the opportunity for amendments with certain amendments that then preclude other amendments being considered, that being the amendments of the rest of us.

In addition to that, the majority leader has filed cloture more than 100 times on the very day the measure was first raised on the Senate floor, which basically ends debate on that day.

We get compromise whenever everyone, the majority and minority, have the opportunity to present their points of view. Then we sit down and try to figure out the difference, how we can make things work among ourselves. We have seen rule XIV used to bypass committee work nearly 70 times in the last 6 years.

I am honored to serve on a long list of committees in the Senate and I attend many committee meetings and we hold hearings. We listen to our constituents, we listen to the experts, and we try to reach a conclusion as to what is best in a piece of legislation. When that process is bypassed, we lose that opportunity to gain from that insight.

In so many instances the committee process is bypassed. I am a member of the Senate Appropriations Committee, with the example of our inability to have appropriations bills and no budget. I am a member of the Banking Committee on which we have lots of hearings but very few markups. I think it undermines the ability for each of us to do our jobs on behalf of America.

I think we have been forced away from what is most valuable here—discussions. Not that any of us gets our own way. That is not the nature of this place. It is not the nature of America. But we each have our own voice, and by being able to express ourselves we have the opportunity to flesh out the best ideas and ultimately to require people to come together and reach an agreement—that word that sometimes is not said often enough—compromise.

I recognize this as a Member of the Senate representing the State of Kansas. I consider my State often in the

minority. We are very rural. The issues we care about are different than those of places in the rest of the country. I represent a small population and many of my colleagues represent large urban areas with large populations. In the absence of rules protecting me as a Senator representing a minority, I think my ability to represent that minority is diminished. I recognize that I do not always have the right answer to every question. I have great respect for everyone's opinion. I was never ordained by God to have all the answers to every problem, but I think we find answers by having respect and listening to others, and to sort out what we think is the best of our ideas and the best of other ideas to see that good things happen on behalf of America.

We need to make certain that Republicans and Democrats have the opportunity to defend their opinions and then come together. We need to make certain the legislative process works in the committee and we need to make certain that we are not precluded from standing here, day after day, in opposition to legislation that we believe is bad for America. It is the Senate that has the opportunity to keep bad things from happening.

Again, I worry that as a result of the lack of function of the Senate over the last years that we are going to make dramatic changes in the rules that change the nature of this body, who we are and what we can accomplish, what our purpose is.

We need to work together, no doubt about it, but the idea of changing the rules, in my view, diminishes the need to do so. Our constituents expect us to represent them and their best interests and that means that we have the right—the necessity—of participating in the legislative process. I owe that to Kansas. I owe them nothing less. Without the right to use the filibuster to stop consideration of a bill until all ideas, all issues are heard, we risk the loss of that dissenting voice for a minority—no matter what party may be in power.

Previous Members of the Senate have understood the importance of protecting the minority's rights and have spoken out in defense of unlimited debate as it exists in the Senate today. I worry that the Senate is becoming a different place. As I studied history, there was always the voice of the institution, the Senator who had been here for a long time. There was the collective wisdom that, yes, we are in the minority now—or we are in the majority now—but that someday it will be the reverse, and we want the rules to apply no matter what the position. It seems to me that in the past, Members of the Senate would speak out—whether a Democrat or Republican—for the institution of the Senate and what it means to the American people and the Constitution of the United States.

The late Senator Byrd once said this about the design of the Senate:

> The Senate was intended to be a forum for open and free debate and for the protection of political minorities. As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

When then-Senator JOE BIDEN was a part of this Chamber, he once said in defense of the filibuster:

> At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

In 2005, when Republicans controlled the Senate and President Obama was a Senator, he said:

> If the majority chooses to end the filibuster—if they choose to change the rules and put an end to democratic debate—then fighting and bitterness and the gridlock will only get worse.

I think this statement applies today. I am tired of the fighting, bitterness, and gridlock. The American people do not want to see even more partisan bickering in Washington, DC. They want us to work together and solve our Nation's problems. They want us to get things done.

Preserving the rules of the Senate is not a partisan issue, but it is about protecting the nature of the Senate and the rights of the minority. Without the ability to compromise or debate on the floor of the Senate, I fear the greatest deliberative body will be drastically changed for the worse.

The original design of the Senate enables each Senator to be equal to one another no matter the party label, and each has the right to protect using the filibuster. If we choose to silence the Senators in the minority now for the sake of political expediency and lower the number of votes needed for a bill to pass without dissent, then we risk changing the very nature of the Senate.

I see this as a former Member of the House of Representatives. I am accustomed—after 14 years—to having these words spoken: I yield to the gentleman from Kansas 60 seconds.

The Senate is different from the House. We are entitled to more than 60 seconds of being able to speak in support or in opposition to issues before the Senate. If that filibuster were to be destroyed, and if the last protection of the rights of the minority were to be disregarded, then the Senate would become substantially no different from the House. It would be marked by limited debate where the majority runs against the basic nature of the Senate rules based largely upon population.

When the Republicans were in control of the Senate in 2005, Senator REID, our majority leader, said:

> The threat to change the Senate rules is a raw abuse of power and will destroy the very checks and balances our Founding Fathers put in place to prevent absolute power by any one branch of government.

It is my belief that the Senate still exists today in the form that the Framers intended and that we must put a stop to this raw abuse of power. The Senate represents the embodiment of freedom of speech, and we should encourage the full exercise of our hard-won freedoms and unlimited debate. This tradition stands as a testament to the sacrifices of generations of early Americans and Americans throughout the history of our country. This freedom is one that will certainly be fought for in this Congress and the next.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

TRIBUTES TO DEPARTING SENATORS

HERB KOHL

Mr. JOHNSON of Wisconsin. Madam President, I rise to pay tribute to a man who has been generous with his time, his treasure, and his heart, to his friends, his family, the State of Wisconsin, and to America, Senator HERB KOHL.

America and Wisconsin have always been defined by immigrants arriving in this country seeking freedom, opportunity, and a better life for themselves and their families. Such was the case for Senator KOHL's father Max, an immigrant from Poland, and his mother Mary, an immigrant from Russia. Their family's story was just one among the many millions of stories of fulfillment of the American dream.

Max and Mary's son Herb attended Washington High School in the Sherman Park neighborhood of Milwaukee. He graduated from the University of Wisconsin Madison in 1956 and went on to earn an MBA from Harvard Business School in 1958.

Senator KOHL's service to his country started at a young age. He enlisted in the U.S. Army Reserve after receiving his MBA and served in the military for 6 years. After his military service, he began contributing to our Nation not in government but in the private sector. During the 1970s, he managed his family's well-known retail businesses. The stores built by the Kohl family remain the legacy that all Wisconsin respects and appreciates.

When Wisconsin's NBA team, the Milwaukee Bucks, was considering moving out of the State for financial reasons, Citizen Kohl stepped in and purchased the franchise. He prevented the team from leaving and preserved professional basketball as an integral part of Wisconsin's strong sports tradition. Suffice it to say, Citizen Kohl had established himself as a very successful member of this Nation's business community. But he didn't hoard his financial success; he shared it and he shared it generously.

Senator KOHL's philanthropy was widespread, but he particularly seemed to enjoy directing his generosity to

helping Wisconsin students and educators. In 1990, he established the HERB KOHL Educational Foundation Achievement Award Program. This program provides a total of $400,000 to hundreds of students, teachers, and schools throughout the State of Wisconsin each and every year. In 1995, Senator KOHL continued his generosity to education and sports in our State by donating $25 million to the University of Wisconsin Madison for a new sports arena. The Kohl Center, as it is now known, is the home for the school's basketball and hockey teams.

Senator KOHL was first elected in 1988 and even though his duties required him to spend time in Washington, his heart has always been with the people of Wisconsin. For the past 24 years, he has maintained a strong passion for Wisconsin's children, seniors, farmers, and manufacturers.

As a man whose life has been distinguished by generosity, it is worth noting that his final speech on the floor of the Senate was not a long list of his many accomplishments; instead, it was a short heartfelt speech of gratitude to those who made him the generous man he is today, those he served with, and those he represented in the Senate for four consecutive terms. Now it is our turn to thank Senator KOHL for the honorable 24 years he has served his State and this Nation.

During his first election, the slogan of Senator KOHL's campaign was ''Nobody's Senator but Yours.'' There can be no doubt in anyone's mind that he has lived up to that promise each and every day.

On behalf of all the citizens of Wisconsin, I wish to thank Senator HERB KOHL for his generous spirit and his many years of service to Wisconsin and America.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DANIEL AKAKA, JEFF BINGAMAN, SCOTT BROWN, KENT CONRAD, JIM DEMINT, KAY BAILEY HUTCHISON, HERB KOHL, JON KYL, JOSEPH LIEBERMAN, RICHARD LUGAR, BEN NELSON, OLYMPIA SNOWE, AND JIM WEBB

Mr. REED. Madam President, at this time, I wish to take a few minutes to salute my colleagues who are retiring at the end of this year with the conclusion of the 112th Congress: DANIEL AKAKA of Hawaii, JEFF BINGAMAN of New Mexico, SCOTT BROWN of Massachusetts, KENT CONRAD of North Dakota, JIM DEMINT of South Carolina, KAY BAILEY HUTCHISON of Texas, HERB KOHL of Wisconsin, JON KYL of Arizona, JOSEPH LIEBERMAN of Connecticut, RICHARD LUGAR of Indiana, BEN NELSON of Nebraska, OLYMPIA SNOWE of Maine, and JIM WEBB of Virginia. They have all worked ceaselessly to give their constituents the best representation and give the country the benefit of their views, their wisdom, and their experience. They are men and women who are committed to the Nation, and they have every day in different ways contributed to this Senate and to our great country.

I wish to thank them personally for their service, and, in so many cases, their personal kindness to me; for listening to my points and for, together, hopefully, serving this Senate and this Nation in a more positive and progressive way.

In particular, let me say a few words about some of the Members with whom I have had the privilege to work more closely.

Senator DANIEL AKAKA, like his colleague, the late and revered Senator Daniel Inouye, proudly served our Nation during World War II. I am stepping into the huge shoes of DANNY AKAKA as the cochair of the Army Caucus. From one soldier to another, I salute him.

He has also been an extraordinarily forceful advocate not just for active-duty personnel but for veterans and, of course, for the men and women of his beloved Hawaii.

JEFF BINGAMAN has distinguished himself through his work on the Energy and Natural Resources Committee to improve our Nation's energy policy, particularly improving our energy efficiency. He has the vision and knowledge which he has displayed so many times to deal with the difficult issues that face us with respect to the appropriate use of energy.

He has also focused on some of the greatest challenges facing our educational system, including preventing dropouts and promoting the use of education technology.

SCOTT BROWN has drawn from his over 30 years of experience in the National Guard to advocate for our servicemembers. I am particularly pleased we were able to work together to create the new Office of Service Member Affairs at the Consumer Financial Protection Bureau.

I have had the honor of serving with KAY BAILEY HUTCHISON on the West Point Board of Visitors, and I am also grateful that she joined with me on a bill to improve care for children who survive cancer.

JOE LIEBERMAN and I have worked many hours to protect the submarine industrial base that is crucial not only to our strategic posture but also to our local economies. He has done it with great vision and great energy, and I thank him for that.

RICHARD LUGAR is one of the most decent and thoughtful individuals ever to serve in this body. We will miss his wisdom and his voice, particularly on nuclear nonproliferation and arms control. I am also pleased to have joined him on so many other issues, and he leaves an extraordinary mark on this institution.

I have also had the privilege to work closely with another Member of this body, my colleague and friend, OLYMPIA SNOWE of Maine. Her willingness to reach across the partisan divide to advance legislation to benefit the Nation and the Senate and her State of Maine is, in my view, legendary. I was pleased to work with her when it came to supporting our fishermen and lobstermen, who are critical to our local economies. She and I have worked closely together on a host of other issues, including supporting strong investments in LIHEAP and our Nation's libraries.

JIM WEBB, a decorated combat veteran, is someone whose love for this Nation was manifested very early, as he led marines in combat in Vietnam. His extraordinary courage is only matched by his quiet demeanor and his calm sense of confidence that project outward in every different capacity.

Of course, he has taken it upon himself to make sure we do not forget our veterans. He was the architect of the post-9/11 GI bill and, in doing so, he has enriched the lives of so many who were willing to risk their lives for this Nation. I, again, salute him for all he has done.

KENT CONRAD is an extraordinary budget chairman. No one knows more about the intricacies of the budget and no one brings to that very difficult debate more of an innate sense of fairness and decency than KENT CONRAD.

I could go on with all of my colleagues, just thanking them for their friendship, for their camaraderie, and for their commitment to the Nation and the Senate. As they depart, they have left an extraordinary legacy. Now it is our responsibility to carry on in so many different ways, and I hope we measure up to what they have done. If we do, then we can go forward confidently.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

JOE LIEBERMAN

Ms. AYOTTE. Madam President, I wish to say a few words about my friend JOE LIEBERMAN, the gentleman from Connecticut.

Shortly after I arrived in the Senate, Senator LIEBERMAN was assigned to serve as my mentor—someone from the other side of the aisle who would be a source of wisdom and guidance as I made my way in my first term in the Senate.

I considered myself extremely fortunate that he agreed to mentor me. We are both from New England. We both had the privilege of serving our State as attorney general and have a deep respect for the rule of law. And we are both deeply concerned about issues impacting the security of our country.

Over the last 2 years, I have been able to work with Senator LIEBERMAN more closely, and I have personally seen his character, his courage, and his conviction. Both in tone and in substance, Senator LIEBERMAN has been one of the most respected and effective statesmen in the history of this institution—someone who transcended politics to stand up for what he believed in

and what he believed was right on behalf of our country.

Senator LIEBERMAN understands that neither party has a monopoly on good ideas and that the American people expect Members of both parties to work together to get things done on behalf of our country.

Senator LIEBERMAN understands that our children will not ask us whether we were Democrats or Republicans and how good we were at that, at being a member of a party; they will ask us whether we were willing to make the tough decisions necessary to ensure that they continue to enjoy prosperity and freedom in the greatest country on Earth.

What I admire about my friend JOE LIEBERMAN is that he is someone who always puts country first above all else. For Senator LIEBERMAN, this has been especially true in the area of national security and homeland security.

As our Nation has encountered difficult economic headwinds at home—over $16 trillion in debt—there have been Members of both parties who have argued for excessive cuts to our military and that we disengage from the rest of the world. Yet, in the great traditions of Presidents Truman, Kennedy, and Reagan, Senator LIEBERMAN has made the compelling case that the United States best promotes its values and protects its citizens when we remain engaged around the world, maintaining our military strength, having the best military in the world.

Having had the chance to work with Senator LIEBERMAN on the Senate Armed Services Committee, his commitment to our men and women in uniform has been inspiring. He has shown a deep commitment to make sure they have the best equipment they need and that we remain the strongest military in the world; and that when our soldiers come home, they receive the support they need. He has been such an amazing advocate for the military and their families.

I also appreciate that like Winston Churchill, Senator LIEBERMAN understands the value of alliances between democracies and has spoken with moral clarity regarding the enemies of freedom. He has not hesitated to call terrorism an evil by its name and to speak out for dissidents and freedom fighters around the world.

I will never forget a trip I had the privilege of taking with him to Asia, where we had the opportunity to meet individuals who were imprisoned. And they spoke with tears in their eyes of the work Senator LIEBERMAN and Senator MCCAIN and others had done to speak up on their behalf.

Senator LIEBERMAN has spoken for those who have been oppressed around the world time and time again, and he has left his legacy on this institution in making sure that America stands for our values and for people around the world who are struggling for basic human rights and freedom.

In this Chamber, he will also, of course, be remembered for the incredibly important work he did as a strong and resolute member of the Senate Armed Services Committee but also as the chairman of the Homeland Security and Governmental Affairs Committee. He helped to lead the Federal Government's response to September 11, to those horrible attacks on our country, and every American is safer because of the work JOE LIEBERMAN did as chairman of that committee, and the work he did on the Senate Armed Services Committee in this body—and the work I know he will continue to do when he leaves the Senate.

My friend JOE LIEBERMAN represents the very best of public service. He has stood firm for freedom, international engagement, and American military strength. He will be remembered among Members of this body not only for his accomplishments but for the way he has conducted himself. Always a gentleman, he has conducted himself with great decency, civility, and humility.

At a time when our country faces great challenges, his quiet and effective leadership and commitment to working across party lines will be sorely missed in this body. He will certainly continue to serve as a model for all of us who remain serving in the Senate, and I know in future endeavors I will certainly seek him out to seek his advice and counsel, as we face great challenges not only here at home but also in terms of our military and the role America plays in the world.

We all admire his leadership here, and it has been a true privilege for me to have had him mentor me the last 2 years. I have learned so much from him. And, again, I think he serves as a model public servant of what it means to be committed to doing the right thing for your country.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING DANIEL K. INOUYE

Ms. CANTWELL. Mr. President, I rise to salute my colleague, Senator Dan Inouye, and remember him for his great service to our country. Like so many of my colleagues, I come down to the Senate floor with a great deal of sadness but also admiration for the incredible life that Danny Inouye led.

He certainly was a giant among Senators, and for the work he did—everything from investigating Watergate to fighting for Native Hawaiian rights, to everything he did in the United States every day—he will be remembered as a man who fought for justice. When I think about Danny Inouye and the mentoring he has done for me and my colleague Senator MURRAY and for the State of Washington, I can tell you he will be sorely missed.

We know something about long-term Senators in the State of Washington. Certainly, Danny Inouye and Scoop and Maggie were all friends. He was also a friend to Washington State. He forged a great relationship with Scoop and Maggie. That started when Scoop Jackson actually championed statehood for Hawaii starting as early as the late 1940s. He played a key role in supporting it and passing it into the Hawaii Statehood Act. That is something Danny Inouye was so appreciative of. They forged a great relationship.

Senator Inouye and Senator Maggie were great friends and mentors. I had the opportunity many years ago to hear both of them at Senator Magnuson's house in Seattle reminisce about their days together. Some of those stories I could share on the floor; some I could not. But they were longtime friends.

The one story that is written about in Warren Magnuson's biography by Shelby Scates is a story about how, when Mount St. Helens blew up, Senator Magnuson went to Senator Inouye and said: We need about $1 billion to help for the cleanup of Mount St. Helens.

You can imagine in 1980 what a tremendous amount of money that would be. Senator Inouye said: Senator Magnuson, we have volcanoes blowing up all the time in Hawaii, and we never get a dime.

Magnuson responded: Just wait, it will be your turn soon.

So these are two incredible individuals who forged a relationship and, along with Jackson, were some of the big giants of our day in the Senate. We in the State of Washington certainly benefited greatly from Senator Inouye's incredible help and support. I know he traveled to our State many times at my request and participated in many different events. Probably one of the most important things he did for us in the State of Washington was the Puyallup land claim settlement and how Senator Inouye led the fight as the chairman of the Indian Affairs Committee to make sure the right thing was done.

Together with Congressman NORM DICKS, we had a very difficult situation. The Puyallup Tribe, the Port and the City of Tacoma, and others all had a difficult dispute going on. The end result was the second largest Native American land claim settlement in U.S. history. The deal led to tremendous economic growth for the tribe, for the port, and for the surrounding committees.

Senator Inouye, as I said, was the chairman of the Select Committee on Indian Affairs in 1980 when the Puyallup Tribe successfully sued to assert

its claim for land around its reservation. This land included the Port of Tacoma, many parts of downtown Tacoma, and the towns of Fife and Puyallup. Because of his strong commitment to Native American rights, the Puyallup Tribe trusted Senator Inouye to serve as an intermediary between the parties involved in the negotiation to try to resolve this dispute. He made around a dozen trips to Washington State at key moments of this negotiation.

If you can imagine, a Senator who has to represent his State, be a leader on the Appropriations Committee, and who would spend so much time on one particular dispute.

During one tense session at a Tacoma hotel, Senator Inouye described his role as ''messenger boy,'' running between tribal negotiators on the second floor and non-Indian negotiators on the fifth floor. By his own estimate, he shuttled between those two floors 21 times. His tireless commitment and work helped keep the negotiations moving along. Finally, in 1988, a deal was struck and the settlement was passed into law in 1989.

The tribe relinquished claims to land it originally held. In exchange, they received $162 million that included 200 acres of disputed land. Of this total, $77 million were Federal funds, which Senator Inouye and Congressman DICKS worked to obtain.

When Senator Inouye was asked about the Federal Government's contribution toward the settlement, he replied: ''I got my training from Magnuson.''

For the Puyallup Tribe, the results have been dramatic. Today the tribe is one of the largest employers in Pierce County, and it is moving forward with its port development partnership. The Puyallups have become a prominent leader for other tribes in important areas such as protecting natural resources, providing law enforcement, and improving health care.

As for the Port of Tacoma, the results have been impressive as well. With the settlement, the port was able to tear down the Blair Bridge and open the waterways to the world's largest container ships. Removing the uncertainty of land ownership and relocating Highway 509 also unlocked land in the upper Blair Waterway for development, and a lot of new development occurred.

According to the port, these improvements provided 43,000 jobs in Pierce County. The volume of cargo at the port has nearly doubled, growing from 782,000 containers in 1988 to nearly 1.5 million containers in 2011. Now the Port of Tacoma handles more containers than its friendly rival to the north, the Port of Seattle, so it is something they very much take with great pride.

Senator Inouye has stood with Washingtonians on an issue that was so important to us and has led to so much growth and economic development, and only his leadership provided the necessary oversight to navigate this thorny issue. He also has helped us on many other issues, protecting salmon and our other fisheries, fighting for Native Americans and supporting strong defense and veterans' issues.

He certainly will be remembered in the Northwest as a true friend. Our Nation's veterans had no greater friend than Senator Inouye. But when it came time to pass national legislation recognizing the Japanese-American veterans' contributions to our country during World War II, he let others take the lead, knowing he, himself, would also be an honorary recipient of this award.

During a ceremony in November of 2001, with the other Nisei veterans at his side, Senator Inouye accepted the Congressional Gold Medal on behalf of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service.

In his remarks, Senator Inouye said, ''Seventy years ago, we were enemy aliens, but today, this great Nation honors us in this special ceremony.'' I can tell you because there were many Nisei veterans from the Pacific Northwest who traveled to our Nation's Capital to participate in that event. Their families were so honored to be there with their parents and to honor them in this great ceremony. It would not have happened if it had not been for Senator Inouye's incredible leadership.

He also successfully fought to honor the veterans who served in the Commonwealth Army of the Philippines on the side of the United States during World War II. Because of a law passed in 1946, their service was not recognized. They were denied access to health care and given only half the disability and death compensation of U.S. veterans.

Senator Inouye changed that. Over the years, he secured nearly $200 million in compensation for Filipino veterans, and he fought to grant Filipino veterans the same access as U.S. veterans to VA hospitals.

Senator Inouye's strong sense of honor and justice drove him to fight for the recognition of these veterans' service. He was fond of saying ''justice is a matter of continuing education.''

For that reason, he also made sure injustices endured by U.S. citizens and permanent residents of Japanese ancestry during World War II will never be forgotten. He led passage of the Civil Liberties Act of 1988, which acknowledged their forced internment and provided compensation for those surviving detainees. Senator Inouye also understood that recognizing and honoring the service of these veterans meant helping them prosper as they were entering civilian life.

I was proud to work with Senator Inouye and my colleague Senator MURRAY on the VOW to Hire Heroes Act of 2011. Because of the act, businesses that hire qualified veterans can get tax credits up to $9,600. Back in April of this year, Senator Inouye and I visited a company in Seattle, VECA, which hires primarily veterans, and I can tell you they were so happy to meet him. They were so excited to see one of our Nation's true heroes and to honor him by talking about the service they were trying to give back to our country.

From the battlefields of World War II to the Halls of Congress, Senator Inouye brought grace, charm, and an unbelievable sense of duty to our country. He truly was a giant of a statesman, not just in Hawaii but in the State of Washington.

A few years ago, Senator Inouye was visiting some underprivileged children in Hawaii to see the digital media center he helped support. One of the students he met said, ''I feel like I met one of the most important people in the world.''

I couldn't agree more. Senator Inouye's legacy and impact cannot be overstated. He was an old-school Senator who was always courteous, respectful to his colleagues no matter what the circumstances, and he will not be forgotten.

I join our Nation in praying for his wife Irene, his son Ken, and daughter-in-law Jessica, his stepdaughter Jennifer, and his granddaughter Maggie. I hope they understand how much we appreciate them sharing him with us and all he did.

His service to our country will not be forgotten, and it certainly will be impossible to match.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, it is with great sadness that I come here today to talk about my friend: Senator Danny Inouye. Danny was a friend of mine since I came to the Senate 20 years ago. He had a unique ability to connect with people, to befriend them. I know. He always helped me. He was smart, able and someone that over 20 years I grew to love.

He was a war hero who fought bravely in World War II, even at a time when many in this country actively discriminated against Japanese-Americans.

And he served in this body for 50 years—the second longest serving Senator of all time.

Danny and I worked closely together on the Appropriations Committee for many years. I often sought his counsel, and he was always an advocate for me.

I want to say something personally to his beloved wife Irene: You were married to a truly wonderful man and an American hero. Death of a loved one is hard. I know. I have been through it. But, Irene, the love does remain. I know you were so proud to be his wife, to help him share his dreams through these years.

I want you to know that you have many friends here, who now want to help you through this most difficult part of life.

Danny, you will be greatly missed.

Thank you for your service, thank you for your friendship.

Mr. JOHNSON of South Dakota. Mr. President, it was with great sadness on

Monday that we learned of the passing of a member of our Senate family, Senator Daniel Inouye. My deepest sympathy goes out to his wife, Irene, his son, Kenny, and to all of his family. I also extend my sympathy to the great people of Hawaii, who have lost one of their champions.

Over the past few days, I have heard my colleagues pay tribute to this wonderful man. They have used words such as statesman, public servant, hero, patriot, leader, mentor, and champion. Each of these tributes is without a doubt deserved. I echo all of these accolades, but above all I was honored to call Senator Inouye ''friend.''

Senator Inouye and I served on two committees together, with him serving as my Chairman on both of those committees: Indian Affairs and Appropriations. The lessons I learned from him will forever be with me. His commitment to American Indians, Alaska Natives, and Native Hawaiians was unparalleled. In our home States, we both have large populations of Native people and his leadership on these issues has taught me that our work is never done when it comes to bettering the lives of our first people. I had the opportunity to work with him on a number of important issues impacting South Dakota Natives over the years, and I very much appreciated his visit to South Dakota in 2002 to conduct a hearing in Rapid City on Native issues.

A man of quiet reflection, Danny was a giant among men. A Medal of Honor recipient for his efforts in World War II and recipient of two Purple Hearts, he was a true American hero. His acts of valor during the war are nothing short of legendary. His care for veterans rivals that of any past or present Member of this body.

To put Senator Inouye's service into perspective, eight Members of this Chamber had not even been born when Danny was sworn into his first term as the third Senator from the State of Hawaii. Not many Senators in the history of this Chamber have done more for their home States than what Senator Inouye did for his beloved Hawaii. His legacy is spread far and wide throughout the Hawaiian Islands.

Senator Inouye will be greatly missed in this Chamber. His mark on this body and on his home State of Hawaii shall be felt for generations to come. Aloha, my friend.

Ms. KLOBUCHER. Mr. President, I rise today to speak in remembrance of an incredible statesman and American hero, Senator Daniel Inouye of Hawaii. Senator Inouye passed away Monday evening, and to say that his leadership will be missed would be a tremendous understatement—not only of his influence as a policymaker but of his iconic status as a pillar of the Senate.

In terms of political longevity, he follows only Robert Byrd as the second longest serving Member in Senate history. This is significant because second place never came naturally for Senator Inouye. He was, after all, the face of so many ''firsts'' for our country and for his State. In 1959, he became the first ever Asian American to serve in the United States Congress, elected during Hawaii's first ever federal election cycle, representing the State as part of its first ever congressional delegation.

He almost added another impressive ''first'' to his résumé, when Minnesota's own Hubert Humphrey put Dan at the top of his short list for running mates in the 1968 presidential election.

But perhaps the greatest legacy Senator Inouye will leave behind is his record of standing up for our men and women in uniform. As Chairman of the Appropriations Committee and the Defense Appropriations Subcommittee, he revolutionized the way our country serves those who have served for us—not just on the battlefield, but also here at home in the form of stronger benefits for veterans and better support for military families.

Senator Inouye knew a thing or two about service. He enlisted in the Army after the attack on Pearl Harbor and fought for our country on the front lines during World War II. He did it despite our government's decision to place his own people, Japanese Americans, in internment camps because he believed that he and his family owed the United States an ''un-repayable debt.'' I would argue that he paid back that debt and much, much more.

To this day, the unit of all Japanese-American soldiers that he served with is the most decorated in history for its size and length of commitment. Senator Inouye himself earned a Bronze Star, a Distinguished Service Cross and, eventually, the Congressional Medal of Honor.

The story of how he earned it—and how he lost his right arm—is the stuff of legend. A grenade exploded near his right elbow during a firefight in Italy, shredding his arm and severing his hand just as he was preparing to throw a grenade of his own. Afraid the weapon might detonate in his nearly severed right first, Senator Inouye used his left hand to pry it out and throw it towards enemy lines. He was, and is, a true America hero.

From his decorated military career to his long-time service for Hawaii, Senator Inouye was a dedicated public servant. Humble to the end, Senator Inouye was and always will be known as a true gentleman in the Senate. Aloha, Senator Inouye.

Ms. COLLINS. Mr. President. With his family at his side, the last word spoken by Senator Daniel Inouye in this life was ''aloha.'' To the people of Hawaii, it is a word with a meaning far beyond simply ''hello'' or ''goodbye.'' It is a word of profound significance, one that describes a spirit of service to others, of compassion, and reverence.

It is the best possible epitaph for my cherished friend and colleague.

Dan Inouye lived that spirit every day of a long and remarkable life. When Pearl Harbor was attacked on December 7, 1941, he was there, serving as a medical volunteer in the most horrific and dangerous circumstances. When the ban on Japanese Americans serving in the U.S. military was lifted in 1943, he immediately enlisted. In the closing days of World War II, when his platoon came under intense enemy fire, Second Lieutenant Inouye led the attack, despite grievous wounds.

That extraordinary heroism earned Dan Inouye the Medal of Honor but cost him his right arm and his dream of becoming a surgeon. In the true ''Aloha Spirit,'' he found another way to serve, first as a member of the Hawaii Territorial Legislature, and then, when statehood was achieved in 1959, as Hawaii's first Member of Congress.

In 1962, Dan was elected to the Senate, beginning a half century of contributions, accomplishments, and leadership on behalf of this institution and our Nation. He was the first Japanese American elected to the Congress and a stalwart champion of civil rights for all. He was a decorated hero who fought for the rights and benefits of all veterans. From his daily work in the Senate to his exceptional service on the Watergate and Iran-Contra committees, Dan approached every task with the determination to do what was best for our country.

I was privileged to serve with Dan on the Appropriations Committee and honored to join him in the Gang of 14 to preserve the tradition of open debate in the Senate. No matter how difficult the issue, he always conducted himself with dignity and civility.

In this time of sorrow, I offer my deep condolences to the Inouye family. I hope they will find comfort in knowing that this great patriot and public servant leave a legacy that will inspire Americans for generations to come. And to Senator Daniel Inouye I say, aloha pumehana, my friend. Farewell with my deepest regards and affection.

Mr. ENZI. Mr. President, I appreciate having this opportunity to join my colleagues in expressing not only my great sadness on the passing of Senator Inouye but my great appreciation of his lifetime of service to his beloved Hawaii and to our Nation. Danny Inouye lived a full and active life, and his great gifts enabled him to make a difference that will continue to be felt for a long time to come.

I had the honor of introducing Danny Inouye during one of our Prayer Breakfasts earlier this year. Even though I thought I knew him pretty well, as I read the interviews and personal reflections he had shared on his life, I realized more than before the importance of the role he had played over the years as he worked so very hard to make Hawaii all that it is today.

Danny learned at an early age all about the importance of observing the great values that served to help direct his life—love of country, love of family, service to all those who needed his help, and, equally important, service to God. Over the years those great principles helped to make him a leader in

every sense of the word as people looked to him for his leadership in difficult times of both war and peace.

Over the years, he was often asked about his experience during World War II and the impact it had on him. Danny would begin his reflections when he was a young man, still in high school and pursuing his dream of a career in medicine. As so often happens in our lives, his life was changed forever in a moment that began one morning as he was getting ready for church. He heard a report on his radio that Pearl Harbor was being attacked. Without hesitation, Danny headed over to the base to see what he could do to help those who had been injured. Danny had learned a great deal about first aid, and his skills were put to good use to help those who had been injured that day.

That was just the first part of Danny's story and his experience with the war effort of those years. In the days to come it would present him with one of the toughest challenges that anyone could have ever faced as he played an important role in the effort to protect our Nation and restore peace to the world.

As he would continue with his story, Danny's war experiences told a powerful and compelling story about what so many of our Nation's veterans have experienced in battle. That is why Danny will always be known as one of our great war heroes. Even with that standard, however, there was something special about him and the courage and bravery he showed on the battlefield. His efforts were so extraordinary they were recognized with a Medal of Honor, one of our Nation's highest awards. They place him on the roster of our most distinguished heroes, and they remind us all of the great sacrifices that he and so many of our veterans have made over the years to keep our Nation strong and free. Thanks to Danny and those with whom he served, we were able to emerge from that world war victorious and bring peace and freedom to those nations that had been overrun by an evil alliance led by a ruthless dictator in Germany.

That was just the start of Danny's life, but it had taken a heavy toll from him that would change it forever. With the loss of his arm, it was no longer possible for him to complete his dream of being a surgeon. Those who knew him and his great caring heart urged him to find another field in medicine to pursue. He decided to follow another path, and as we are told in the Bible, God had a hand in helping to direct his steps.

As soon as he could, Danny attended George Washington University, my alma mater, and earned his law degree. He then became a part of the effort that would lead Hawaii to statehood. Danny knew the result would bring great changes to his home State and increase the opportunities available to the people who lived there. Thanks in part to Danny, those efforts to achieve statehood were successful, and they resulted in the addition of Hawaii to the roster of our States—and placed another star on the American flag he loved so dearly.

Danny knew that statehood would not be the end, it would be just the beginning of the next great chapter in the history of Hawaii. Danny wanted to be a part of that effort, too, so he was encouraged to run to serve as Hawaii's first Representative in the House. He was successful, and his election to the Congress gave him an opportunity to take on another leadership role—crafting the future of his beloved home State. Once again, it brought out the best in him, as he dedicated himself to making Hawaii a better place for all those who called that special place their home.

It wasn't long before Danny then ran for and won his election to the U.S. Senate. It began a Senate career that was to enable him to make a difference in more ways than we will ever know. As he served here, he did more than observe history or participate in it—he helped to write it day by day, chapter by chapter.

Danny's career has been so active, so full, and so productive, it would be impossible to list all his achievements that make up his legacy of service both here in the Senate and back home in Hawaii. One thing will always stand out in my mind, however—Danny's great loyalty to all those with whom he served. In every sense Danny was a gentleman and a gentle man. He had a quiet and understated way of doing his work day by day. He was man of great kindness, and he shared that kindness with everyone he knew or worked with. His service as a Member of the Senate provided us with a great example of how we should all approach our duties and our work together, putting our country, our God, our family, and our home States first.

That is why Senators on both sides of the aisle have come to respect and appreciate him and his character so very much. I will long remember the great friendship and close working relationship he had with Ted Stevens. They shared such a strong bond that they often referred to each other as brothers. He had strong and supportive friendships with other Senators, too, and that is why we will all miss him so very much in the days and months to come.

I know I will never forget that Prayer Breakfast and all Danny had to share with us that day. He had a great and powerful faith in God and the special relationship they had built up over the years. It helped strengthen him on the battlefield. It helped to guide his efforts when he was called to serve the people of Hawaii. It gave him a source of inner strength that firmed his resolve as he worked to serve the people of our Nation.

By any and all standards, Danny Inouye lived a life we would all be proud of. He packed more into each day than some people experience in a lifetime. Although we had him with us for so many years, it still feels like he was taken from us all too soon.

Now we come together to say goodbye to our colleague—confident in the knowledge that he has made a difference in Hawaii and in Washington that will continue to have an impact for many years to come. It is often said but always bears repeating that one person can make a difference in the world that will equal their determination to do so. Danny is the proof of that, and his memory will continue to inspire all those who knew him or will read about him and his great love for the United States of America.

As a grandfather, I will also long remember that day just a few years ago when Danny became a grandfather, too—for the first time. It was a day he had long anticipated and looked forward to. It reminded me of how much it means to all grandfathers to hold the next generation of their family in their arms and to be reminded of the great circle of life and all that it means as the memories of the past give way to our hopes for the future. Now that grandchild will proudly carry the legacy Danny Inouye leaves behind to all those who knew and loved him. It is more than a record of great achievements, it is a challenge he leaves to all those who will follow him to dare to try to do even greater things than Danny Inouye has done.

God bless and be with you, Danny. Thanks for your service, but most especially thanks for your friendship. Our faith reminds us that we will be parted for only a short time and the day will come when we will see you again. Until that time, you will be greatly missed and you will never be forgotten. Diana and I will keep your family in our prayers. May God bless and be with them all.

TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. LEVIN. Mr. President, there are many people in this town who say they are worried about the deficit. But all too often, those claiming the mantle of ''deficit hawk'' are pretty dovish about making the hard decisions required to reduce the budget deficit and bring down the national debt. Some use the deficit to argue for damaging important programs that provide for the safety and well-being of Americans. Others, in a brazen bit of obfuscation now decades-old, make the disproven claim that the budget-busting tax cuts they prefer would actually reduce the deficit.

In this maze of distortion and debunked arguments, KENT CONRAD is like a clean prairie breeze. He cares deeply about the fiscal health of our Nation, and for more than two decades, he has been dismantling faulty arguments and fuzzy budget math with facts and figures and with charts, yes, charts. In naming Senator CONRAD one of the 10 best Senators in 2006.

Time magazine reported that the support staff here in the Senate had become so overwhelmed by Senator CONRAD's chart requests that they gave up and gave him his own printing equipment. KENT CONRAD doesn't just know the facts. He wants you to know them too—and in bright colors.

Behind the flash charts are deep substantive knowledge and a rigorous approach that eschews wishful thinking. Senator CONRAD knows that the way out of our deficit problem, the path that avoids the fiscal cliff, means looking at our entire budget picture, both the spending that goes out and the revenue that comes in. He laid out the facts recently here on the Senate floor, saying:

> The public understands we face both a spending and a revenue problem. Spending is near a 60-year high, as this chart shows. The red line is the spending line; the green line is the revenue line. But for those who say it is just a spending problem, I don't think the facts bear that out, because the revenue is near a 60-year low. I think most logical people would say we have to work both sides of this equation.

This logical approach makes Senator CONRAD a strong ally. I have been proud to join with him on efforts to end some of the many distortions and loopholes that increase the deficit and make our Tax Code less fair to working families. Earlier this year, he and I introduced the CUT Loopholes Act, which would reduce the deficit by $155 billion over 10 years through elimination of several offshore tax loopholes, and through elimination of the stock-option loophole, which forces American taxpayers to subsidize the large stock-option packages regularly awarded to corporate executives. In March, we were joined by Senator WHITEHOUSE in advocating for inclusion of a portion of the CUT Loopholes Act in the Senate's surface transportation bill, and our amendment was adopted by the Senate. It did not become law, but the Senate's action represented real progress in the fight against tax loopholes.

Senator CONRAD and I have worked together on another important issue—the effort by many multinational corporations to secure a ''repatriation'' tax break for some of the billions of dollars they hold offshore. That was tried once, in 2004, and as Senator CONRAD accurately notes, that repatriation holiday was ''a complete and utter failure at job generation.''

He also has been a forceful advocate for the need to address the tax rates on capital gains and dividend income. The low rates on these forms of income is a driver of our budget deficits and of rising income inequality. As Senator CONRAD said in a recent interview about the need to address tax rates:

> It's very clear to me. You do have to have rate increases, especially on capital gains and dividends it's needed and fair.

Not just needed, he said—fair. And that is what I think we should keep in mind about Senator CONRAD's work to address the deficit in an honest and forthright way. Yes, he knows the facts and figures, knows them as well as anyone. But knowing the numbers is not enough. Budget math is not an academic exercise. We are not here to represent numbers on spreadsheets. We represent people—actual human beings, with dreams and ambitions and hope. And always, KENT CONRAD has marshaled the facts and figures in support of real people. He knows the toll that out-of-control deficits can have on generations to come. He recognizes the need to address rapidly rising entitlement spending—but also the need to preserve important programs that have made so much of a difference in the lives of Americans, especially the most vulnerable.

He and his wonderful wife Lucy have been dear friends to my wife Barbara and me. The four of us have hosted dinners together to deepen our understanding of both the pressing issues of the day and of transcendent issues such as the origins of matter and the universe.

Senator CONRAD is leaving the Senate, but the need for his kind of rigorous approach and concern for the impact of our policies is not going away. I hope we can learn from and follow his example as we move forward to confront our Nation's challenges.

BEN NELSON

Mr. President, there are few issues we deal with on the Armed Services Committee in which the stakes are so high or the policy questions so complex as in dealing with our Nation's strategic forces and capabilities. The fearsome power of our strategic weapons, the urgency of avoiding mistakes, the difficult strategic calculations they require, the advanced technologies involved, all of these combine to make strategic forces complicated and of paramount importance.

It has also been the signature issue for Senator BEN NELSON during his service on the Armed Services Committee. Chairman of the Strategic Forces Subcommittee since 2009, Senator NELSON has long been one of the Senate's most thoughtful voices on issues related to our nuclear arsenal, space programs, missile defense and other strategic issues. As he prepares to leave the Senate, we are losing an outstanding contributor to our nation's strategic thinking and decision-making.

Certainly the presence of Offut Air Force Base and U.S. Strategic Command in Senator NELSON's home State give him first-hand evidence of the importance of these issues. And appropriately, he brings a common-sense Nebraska viewpoint to our consideration of them.

Senator NELSON's efforts were important to the Senate's 2010 aproval of the New START treaty, a significant step forward in our nuclear arms reduction efforts. He made it clear in that debate that he is a firm believer in the need to ensure that the Department of Energy's nuclear weapons laboratories are modernized and able to support the existing nuclear stockpile so that we do not have to return to nuclear testing.

His common-sense approach has been especially noticeable in issues involving management of the nuclear weapons laboratories as they balance the science behind stockpile stewardship and meeting day-to-day problems with the deployed nuclear forces.

As Chairman of the Strategic Forces Subcommittee, he has helped ensure strong oversight of and support for the development, testing and deployment of effective ballistic missile defenses, including the Phased Adaptive Approach to missile defense in Europe that is already providing protection for our forward deployed forces, our allies and partners against Iran's current and emerging ballistic missiles.

He has been an advocate for improving our deployed and planned homeland ballistic missile defense capabilities, including efforts to understand and correct the problem that led to a flight test failure of the Ground-based Midcourse Defense system in December of 2010. In this regard, he has supported rigorous and operationally realistic testing of our missile defense systems.

Of course, strategic issues are not Senator NELSON's only concern. On the Armed Services Committee, before he chaired Strategic Forces, he was chairman of the Personnel Subcommittee, demonstrating a keen understanding of the issues and a deep concern for the men and women of our military and their families. He has been a tireless advocate for the National Guard and for Nebraska's farm families, and a fighter for working families across America, advocating for a reasonable minimum wage and for important workplace protections. And he has been among our most passionate voices for an end to the partisan gridlock that has marked Washington, and the Senate, for far too long.

None of these issues are simple. All of them are vitally important. Senator NELSON's thoughtful, careful contributions have without question made our Nation safer, made our military forces more effective, our use of precious taxpayer dollars more effective. He has earned the respect and affection of the people of Nebraska, and he will be sorely missed on the Armed Services Committee and in the Senate. Barb and I wish all the best for Ben and Diane as they continue their efforts to serve their State and our Nation.

JIM WEBB

Mr. President, JIM WEBB has served our Nation in ways that few Americans can match. He is a decorated combat veteran of the Vietnam War, where he was awarded the Navy Cross, the Silver Star, two Bronze Star Medals, and two Purple Hearts. His experiences in Vietnam helped him shape a series of novels for which he has received justified critical praise and which helped readers understand the experience of war and those who fight it. He served as the first Assistant Secretary of Defense for

Reserve Affairs, and later as Secretary of the Navy. He won enormous praise for his television coverage of the Marine mission to Beirut in the 1980s, and later for ''Born Fighting,'' a history of Scots-Irish immigrants to America.

For the last 6 years, he has been serving his Nation in the capacity we in the Senate have seen firsthand, as United States Senator from Virginia. It has been my privilege to serve with him on the Armed Services Committee, and as chairman, I have benefitted greatly from his intelligence, his experience, and his dedication to the men and women who wear the uniform of our military. Let me reflect on a few of the ways in which I have seen up close Senator WEBB's dedication to service.

Senator WEBB is rightly recognized for his work on national security, but that has not been his only concern in the Senate. He has been a welcome voice here on issues of economic fairness. Soon after his election to the Senate, he wrote in the Wall Street Journal of an urgent need to address growing economic inequality. He wrote:

[T]he current economic divisions in society are harmful to our future. It should be the first order of business for the new Congress to begin addressing these divisions, and to work to bring true fairness back to economic life.]

And he has acted on those words, fighting for a tax system that is more equitable to working families; for trade policies that recognize not just the benefits, but the costs, of free trade; and for education policies that give all Americans, including those already in the workforce, the skills and opportunities to prosper.

An issue on which I have been able to work closely with Senator WEBB is the posture of U.S. military forces in the Asia-Pacific region and, in particular, the plan to realign Marine forces in the Pacific. I traveled with him to Okinawa and Guam, and even the island of Tinian, and saw firsthand his extraordinary knowledge and understanding of the issues. I have benefitted greatly, as I know Senator MCCAIN has, from his insights on this complex and difficult issue, which involves pressing strategic issues, enormous budget pressures, and the concerns of our close ally Japan. Senator WEBB's hard work on this issue has helped resolve the impasse that was blocking progress on the plan to move some of the marines off of Okinawa and move us closer to an achievable, affordable plan for Marine realignment that will benefit the people of Japan and the United States while better serving our national strategic and security interests in this important region.

But what is perhaps most notable about Senator WEBB's service in the Senate is the way that he has joined three of his concerns—America's national security, the need for greater economic fairness, and his affection for the men and women of our military.

This is perhaps best expressed by the post-9/11 GI bill, legislation he introduced on his first day in office, and whose passage he pursued with great determination. When signed into law in 2008, the post-9/11 GI bill provided the largest expansion of educational benefits for veterans since World War II. Just as the original GI bill honored the service of World War II veterans and helped pave the way for millions of servicemembers to earn college degrees, so, too, has Senator WEBB's legislation honored the generation that has served in Iraq and Afghanistan and elsewhere. The impact of this legislation, in improving the lives of our veterans and in its benefits for our Nation as a whole, will be large and long lasting.

Senator WEBB has been a tireless advocate for the men and women of our military, and in particular for our junior enlisted troops. As chairman of the Subcommittee on Personnel, he has fought for adequate pay and benefits, and against the unscrupulous who would seek to profit by taking advantage of these young men and women. Senator WEBB speaks eloquently of the great strains of more than a decade of high operational tempo on these men and women and their families, and of the ''moral contract'' between our Nation and the troops who defend us. He speaks as the descendant of veterans, as a veteran himself, and as the father, father-in-law and brother of veterans. The Senate, and the Nation, have been better off the last 6 years having that voice in the Senate. I have been grateful for his counsel, and I am sorry we soon will no longer have the benefit of his service on the Armed Services Committee or in the Senate. But even though we will miss him, I have no doubt JIM WEBB's service to our Nation will long continue, and I wish him every success.

JON KYL

Mr. President, if success in the United States Senate depended only upon working alongside those with whom we agree, this would be a pretty uncomplicated and uninteresting place. We are a large and complex Nation, made up of people with varying interests, preferences and beliefs. This is where the representatives of a diverse Nation come to try to resolve those differences into coherent national policy. And success in this body depends on the efforts of Senators of differing beliefs and backgrounds who labor to discover common ground.

This is on my mind as I consider the career of Senator JON KYL, who is leaving the Senate at the end of his third term representing the people of Arizona. We have differed many times here in the Senate. And we also have sought common ground. These efforts are totally consistent.

In the wake of the 2001 terror attacks, our Nation's response took many forms. Our military, intelligence and security agencies were obviously essential to that response, but importantly, we did not neglect a less obvious need: the need to cut off terrorist financing. Senator KYL played an important role in this. He was a co-sponsor with me of legislation to give financial regulators important new authorities to act against terror financing.

We found common ground on the need to speak out in strong and clear opposition to the repressive regime in Iran. Last year, he and I were part of a bipartisan group that offered a resolution calling for an end to the violent repression Iran's government has carried out against its own people, urging international action to support the people of Iran, and reaffirming America's commitment to universal freedoms.

I was proud to work with Senator KYL on these and other important issues before the Senate. I respect and deeply appreciate his commitment to protecting our Nation and to the universal standards of human rights that are such an important part of America's legacy. I wish Senator KYL and his family every success and happiness as he returns to Arizona.

DANIEL K. AKAKA

Ms. COLLINS. Mr. President in his farewell message to the people of Hawaii, Senator DANIEL AKAKA wrote that his dream was always to work in a job in which he could help people. In his 36 years in Congress—14 in the House of Representatives and 22 here in the Senate—DANNY AKAKA has done that job exceedingly well.

He has done it with statesmanship and perseverance. As just one example, just a few weeks ago, President Obama signed into law landmark legislation to better protect Federal employees who come forward to disclose government waste, fraud, abuse, and other wrongdoing. The Akaka-Collins Whistleblower Protection Enhancement Act would not have passed without DANNY's determination to help both our dedicated Federal workers and the citizens they serve.

Serving with DANNY on the Homeland Security and Governmental Affairs Committee, I appreciate the priority he always placed on making the Federal Government more efficient and transparent, and on advancing policies to attract, recruit, and retain the skilled workforce needed to meet today's challenges. From safeguarding our Nation against terrorist attacks to supporting the first responders in our communities, DANNY has been a great ally and a true leader.

It also has been an honor to work with DANNY on the Armed Services Committee. As a World War II veteran, he brought to the committee a deep and personal understanding of the sacrifices made by our men and women in uniform, and by their families. He is a champion of efforts to ensure that our Active National Guard and Reserve personnel have the equipment and training to remain the best fighting force in the world, and he is dedicated to providing our veterans with the services they earned and deserve.

DANNY AKAKA has been described as the ''Aloha Senator.'' To most of us,

that multi-purpose word can mean anything from ''hello'' to ''goodbye.'' To the Hawaiian people, it is a word of deep spirituality and profound meaning.

The late Reverend Abraham Akaka, DANNY's oldest brother and one of Hawaii's most beloved clergymen, defined the ''Aloha Spirit'' this way: ''God first, others second, yourself last.'' As a patriot and statesman, Senator DANIEL AKAKA embodies that spirit through his desire to promote the true good of others and to help people. Aloha pumehana, Senator AKAKA, farewell with my deepest regards and affection. Thank you for your friendship and for your service to our country.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to speak on an amendment to the pending bill—an amendment I will not be able to offer because I understand the majority filled the amendment tree so that we cannot make amendments pending at this time. So I would like to take some time, though, to inform Members about the importance of my amendment and why it ought to be included.

I think it is simply about smart government. It is about ensuring that taxpayers' dollars are spent wisely, while at the same time guaranteeing Federal law enforcement agencies that face challenges following Hurricane Sandy have the resources they need to get the job done.

On December 7, the White House Office of Management and Budget transmitted a legislative proposal to Congress seeking supplemental appropriations for disaster mitigation relating to Hurricane Sandy. By all accounts, this action was a normal response to a Federal disaster and one that nearly all Members have supported for various disasters that have occurred in our home States. However, this request was unusual in several respects. For example, a large portion of the funds included in the President's request are unrelated, or at least extremely remote to the damage caused by the storm. This includes funding for fisheries in Alaska, funding for increased Amtrak capacity, and funding to be spent years into the future. Further, the funding request sent up by the President does not include any recommendation whatsoever for offsetting the spending. So, long story short, this request means more deficit spending.

There is one part of the request that causes me particular concern—and the purpose of my amendment—because it relates to my work as the ranking member of the Committee on Judiciary. In the President's request, there are specific line items for repairing and replacing Federal vehicles damaged by Hurricane Sandy. Specifically, the Justice Department requested $4 million for the Federal Bureau of Investigation, $1 million for the Drug Enforcement Administration, $230,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and $20,000 for vehicles for the Department of Justice inspector general. Among other things, these funds are largely to repair and replace Federal vehicles damaged by water from the storm.

The Department of Homeland Security requested $300,000 for the Secret Service, $855,000 for Immigration and Customs Enforcement. Again, this funding is largely for repairing or replacing damaged motor vehicles. The President requested this funding in an effort to replace these damaged vehicles. He cited operational use of these vehicles by law enforcement agencies as the reason they need to be replaced.

Now, I understand that vehicles are a very important part of the work that these Federal law enforcement agencies undertake and are critical to ongoing operations in the field. However, I am concerned about simply providing funding for replacement vehicles in the field because the way the government operates, this funding will not reach the agencies immediately. Even when it does, it will take time for replacement vehicles to be located, purchased, and prepared for use. But given that this is an emergency spending bill, we can assume that these agencies need vehicles for immediate operational use.

As such, my amendment seeks to place these vehicles into the hands of the agents in the field as fast as possible. Instead of simply providing funding, my amendment requires that, within 7 days, the Department of Justice and the Department of Homeland Security identify and relocate vehicles based at the Washington, DC, headquarters of the Department of Justice and the Department of Homeland Security that are used for nonoperational purposes. The vehicles identified will then be used to replace those damaged by Hurricane Sandy that are used by the FBI, DEA, ATF, ICE, and the Secret Service.

The amendment limits the funding provided for these vehicle purchases until a report is produced to Congress identifying the vehicle relocations. I think it is a very good government amendment and one that actually achieves the goal of replacing operational vehicles used by Federal law enforcement actually faster than in the underlying bill.

Since we are told this funding is absolutely necessary for these agencies—so necessary as to warrant emergency funding that is not offset with spending reductions—this amendment actually improves the bill by getting vehicles to law enforcement immediately.

The agencies who will likely oppose this will argue that this is unnecessary and that we should just write a check for the new cars. That is a ridiculous position to take, and we see the damage on television so you know there is a purpose for the underlying bill. But if this is an emergency for these vehicles, these agencies can spare some of the vehicles they have sitting around at their headquarters for nonoperational purposes.

These vehicles are given to employees in offices such as legislative affairs, budget, facility managers, and chief information officers and chief financial officers who may get cars to drive to and from work. Many may even sit unused for periods of time. Those are not operational needs.

Just last year, there was an article in the Wall Street Journal titled ''Free Ride Ends for Marshals,'' which addressed how 100 headquarters employees of the U.S. Marshals Service returned government-owned vehicles to the motor pool instead of using them to commute to and from work. The article described how in recent years the proliferation of take-home vehicles for headquarter employees had exploded.

While the article focused on reducing take-home cars at the Marshals Service, it is clear that the same argument can be made for reducing take-home cars at other agencies. In the case of this supplemental, if this is actually an emergency worthy of millions of taxpayer dollars, these agencies can inconvenience nonoperational personnel at headquarters to get these vehicles out to the fields and end the fringe benefits. In fact, according to inventory numbers provided to the Appropriations Committee, the Justice Department has 3,225 vehicles at the Washington, DC, headquarters of their agency alone. Surely, the Justice Department can find a handful of vehicles out of these 3,225 vehicles that could be sent to the field to replace the damaged vehicles—and get it done a heck of a lot faster than appropriating this money and going through a process that would not get them out there for a longer time.

On top of that, my amendment would allow the funds to replace these nonoperational vehicles after they are relocated. So my amendment would at most create a very small inconvenience for these nonoperational staff for a short time. This amendment makes sense by modifying a request that, quite honestly, doesn't make a lot of sense. If this is an emergency, as we are told, the agencies should have no problem doing what my amendment asks.

We owe it to the American taxpayers to spend their tax dollars wisely. This amendment doesn't go as far as we could, which would be to strike the provision outright. Instead, it gives the administration the benefit of the doubt that this is a true emergency and that these cars are needed. However, it forces the agencies to make a decision to temporarily inconvenience a few employees in Washington, DC, while ensuring the operational law enforcement elements in the field have the equipment they need.

So I urge my colleagues to support a commonsense, good-government amendment, and I hope it can be considered somewhere along the line before we pass this final legislation. If I could say just a few words on the issue as a whole, I would like to take that opportunity.

There is no doubt in my mind that every dollar that Sandy victims and local communities and infrastructure are entitled to, if it comes under existing law, they ought to have. Our country is always having disasters. That is a foregone conclusion. Throughout any year, there are always disasters to appropriate money for. Then, on a specific disaster, these problems go on for years after the money is appropriated—and it is years before some of the money is spent. All I have to do is look at Cedar Rapids, IA, and how they are fighting with FEMA after a 2008 flood to get some money as an example.

So let's just understand in this body, so that there is no mistake, that New York and surrounding areas will get their money because the principle of FEMA money—and probably other disaster money as well—is simply this: At the beginning of a year, you have some money in FEMA. You never know what the disasters are going to be throughout the next 12 months, but when a disaster is declared there is money there to flow. When that disaster money runs out, as far as I know it has always been replaced—whether there is an earthquake in California or a hurricane in the Gulf of Mexico, or tornadoes like we have in the Midwest, and Sandy as the most recent example.

As far as I know, there has never been any dispute under the laws at that time—and those laws don't change very often—that they do get the money out to the people who need it. Then when that fund goes dry, it is replenished by Congress.

Unless somebody is seeking money in some way other than disasters that have been taken care of in this particular instance—and I don't know that they are, other than what has been pointed out that ought to be done through the appropriations process and not really an emergency. But for the emergency, I don't hear anybody wanting money for Sandy any different than any other emergency.

I hope nobody is saying that Sandy ought to be treated differently than an earthquake in California or a hurricane in the South or tornadoes in the Midwest or wherever they might happen. I haven't surmised that is what they are trying to do. But if they are, they shouldn't say that Sandy ought to be treated differently than another disaster because generally a disaster is a disaster—whether it is an earthquake, hurricane, tornado, or Sandy.

So the money is going to be there, and it will be there on time. You don't know 1 month after a disaster exactly how much money is needed. In fact, they asked for $80 billion from the Governors of those States. The President sent up $64 billion. Some people of expertise on this in our caucus have said there are certain things that aren't authorized, so that shouldn't be expended.

Then I point out about some vehicles that can't be purchased right now to do the good they are supposed to do.

We ought to be comforted that there is an attitude in this Senate, over decades, that the Federal Government is an insurer of last resort for disasters, whatever kind of disaster you have, at least disasters as described by existing law. New York will get its money and it doesn't necessarily have to be the $64 million; it is just to make sure there is money there for what is needed tomorrow and the next day and the next day. But we are not going to have a final figure on this for a long time. So we ought to move with some money to make sure it is there for what can be spent right now.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO JANICE SHELTON

Mr. REID. Mr. President, I rise today to honor a woman by the name of Janice Shelton for her friendship and 32 years of dedication as an employee of this body, the Senate. Twenty-five of those years Janice worked as my executive assistant. She has demonstrated sincere dedication to me, my office, my family, and this body, the Senate. It is an understatement to say she will be sorely missed. She will be. She has always been kind and thoughtful to me, to my wife Landra, all my children, and to everyone with whom she comes in contact. If there is a problem, everyone knows: Go to Janice. No one has had my ear over the past 25 years like Janice Shelton has.

She has spent her professional career creating order where there could easily be chaos. Over the course of her productive career with the Army, the White House, and the Senate, each benefited from her unique expertise, professionalism, and hard work.

She began her professional life at the Department of the Army as secretary to the Chief of the Personnel and Training Division Headquarters. Her gift of completing tasks quickly and with ease, all while maintaining a positive outlook, served her well when she moved on to a position of trust at the White House. It is not merely her professionalism but the equally valued personal qualities she has brought to the job: graciousness, unflagging energy, and a willingness to take on any task, large or small, that made her so treasured to everyone who came in contact with her.

From the White House she transited to the Senate with Senator Hawkins and Senator MIKULSKI and, as I said, for the last 25 years has been a source of calm and order in my office, despite the often long hours and the endless to-do lists that come with working with me. I say with certainty that had it not been for Janice, my office would not have functioned nearly as smoothly as it has over the years.

She is also a woman of tremendous faith and her life revolves around her family. She has been married to Robert Lee Shelton for 58 years. They have two daughters, Robin LeCroy and Laurie Nelson. She has eight grandchildren and one great-grandson. I know four of her grandchildren. I got up every Sunday to see what happened in Shelton's college football game. Shelton was big. He was an offensive lineman—played at the college level. He must have weighed 300 pounds of muscle.

I followed Shelton's little brother—little brother?—6 foot 3 or 4, a big, strapping, left-handed pitcher; also a college baseball player. And then I had two of her granddaughters who worked for us as pages, Rebecca and Holly.

She spends long hours at her desk. I do not go home early but I could call and she would be there at 9, 10 clock at night, and that is no exaggeration. But when she is not at that desk, Janice was usually in Georgia or North Carolina with her children or grandchildren.

She has probably been a little bit political, but I think she has gotten a little more political working for me. She has made sure each of her grandchildren understands the importance of their political voice. During the recent election she called those eligible to vote to make sure they had voted. I did not press very hard, but she may have urged them how they should vote.

While Janice's professional accomplishments deserve great recognition, it is really Janice herself who will be missed so dearly. She has served not only as a deeply trusted and committed assistant to me, but as a mentor to many who have worked with her. I know I am not the only one who will note her absence. She has been so wonderful to my family. During times of crisis, my boys know: Call Janice. They can always get through to me through Janice. She has given them advice. She has counseled them. My wife Landra is a dear friend of Janice and conversely the case, Janice is her good friend. She has helped Landra in so many different ways—social events that Landra has committed to take care of here, because of what I do, and other reasons.

During Landra's very bad accident Janice was always there. She was the one who walked to my desk and said to me: Landra has been hurt pretty bad. You have to stop doing what you are doing—and we were trying to do a health care bill. During Landra's battle with breast cancer she has helped her in so many different ways. I am so indebted to Janice for how she has treated my family in addition to how she has treated me and everyone who comes in contact with her.

At our Christmas party last night, we gave Janice a little present. I told everyone there that she and I had shed all the tears that we were going to. I guess it was not true.

She combined an unflinching honesty with a generous and kind nature. One always trusts she has one's best interests at heart. Her charm causes even the hardest cases, many times, to crack a smile. And her quick wit often brings a grin or a smile, sometimes a laugh. These traits, more so even than her skill and dedication, have made her successful.

I will miss her both as an employee and as a person. Today is her last day—just a few more hours to work here.

On the back of my desk I have a picture of my mentor, Michael O'Callahan. In fact, I have two pictures on my credenza right behind my desk. He was my mentor and my best friend. He taught me something that I have always remembered: You can buy a resume, you can buy good looks, education, experience, but the one thing you cannot buy is loyalty. There is no one who has ever been more loyal to me than Janice Shelton.

I congratulate her on her service to the Senate and wish her the best in her retirement, along with her dear husband Bobby, who is also my friend and always will be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

REMEMBERING DANIEL K. INOUYE

Mr. COONS. Mr. President, this has been a hard week in the Senate as we have said goodbye. As we have just seen in the remarks of the majority leader, retirements are very difficult. Parting with the company of honored and treasured colleagues in the Senate is as hard as it is anywhere in the world, but we have had some particularly difficult moments earlier today. We assembled in the Rotunda of this great building of the Capitol to celebrate the life of one of our greatest colleagues, Senator Dan Inouye of Hawaii. His desk sits draped in black, and his chair has a lei that was flown in from his home State of Hawaii.

This week we have all felt and known the change in the Chamber. The Senate has lost a giant and America has lost a hero. Danny Inouye was truly a great man, and I feel blessed in my 2 years here to have had the opportunity to sit with him over a private lunch, to joke with him occasionally in the anteroom, and to learn something of his spirit and his personality. He had such a big heart and a wonderfully gracious spirit.

Most of the Senators I have had the honor to come to know in these 2 years I only knew from a great distance as a local elected official or as someone in the business community at home in Delaware. When I asked Senator Inouye to lunch, I was intimidated. As a Congressional Medal of Honor winner, as a giant in the Senate, as the chairman of the Appropriations Committee, and the President pro tempore of this Senate, frankly, I trembled to sit with him at a lunch and was delighted to discover a person who was so approachable, so warm, so human, so hard working, so loyal, so spirited, and so passionate. In the minutes ahead, I would like to share, if I can, a few insights about a dozen other Senators who are retiring from this body and a few among them whom I have had the joy of getting to know in the last 2 years.

We don't often see the level of humanity in the Senate that we have seen this week, but it is important to know that the people who work in this building can be better than the passing politics that sometimes dominates, and Senator Danny Inouye knew that. His enduring friendship with Senator Ted Stevens, a Republican from Alaska, was legendary. He believed passionately that it was important for us to work together and to get past party affiliation and the picayune matters and get together to do right for our country.

Of the many speeches I heard in this Chamber and the remarks we heard earlier today in the Capitol Rotunda, one thing leaps out at me about Danny Inouye: Even when he was declared an enemy alien—as were all of his ancestry at the outset of one of the greatest conflicts this world has known—Senator Inouye volunteered for service in Europe. He was a member of our most decorated military unit, the 442nd Combat Battalion. He engaged in the fields of Europe and the hill country of Italy in a moment of such personal sacrifice and remarkable bravery as to humble any who hear its details.

In his service over decades after that moment, he proved what he showed forth on that battlefield: that Danny Inouye believed in America even before America believed in him. Even in a moment of such immense injustice, which was bitterly unreal to thousands of people across this country of Japanese ancestry, this man's great heart, aloha spirit, and embrace of the American dream led us forward. He pulled us into the greatness that was meant for this country.

The star of Senator Inouye may have dimmed in this Chamber that is surrounded in its boarder by stars, but as I share the honor as the Presiding Officer over this Chamber, I will—in the days and months and years ahead—look to our flag and remember this Senator. He represented the 50th State, the State of Hawaii, from its very first moment of joining the stars on our flag in statehood. He has shown ever more brightly in his decades of service here, and that example of service pulls us forward into an ever brighter commitment to human dignity, decency, and the respect for all in this country that his lifelong service challenged us to believe in.

There are so many other Senators I want to speak about today, but let me turn to a few, if I might, and give some insight for the folks who only see Members of this Chamber on cable TV shows or in the give-and-take of election season or who only know them as the cutout and caricatures that the public thinks of as Senators. If there is a common thread between them, it is that they share that loyalty, work ethic, and humility that so characterized Senator Inouye in his decades here.

DICK LUGAR

I had the honor to serve with Senator DICK LUGAR of Indiana on the Foreign Relations Committee. He subscribes to the same philosophy. Over the 35 years he served in the Senate, he applied the practical perspective that experience as the mayor of Indianapolis gave him. He worked to make the world a safer place for all of us.

Along with nine of our colleagues, Senator LUGAR will retire from this Chamber this month after a remarkable career. He knew the stakes were too high to let partisan politics and personality prevent progress. He partnered with Senator JOHN KERRY, Senator Sam Nunn, and then-Senator JOE BIDEN of Delaware on the Foreign Relations Committee. Because of their work together, there are thousands fewer nuclear weapons in our world. Serving with DICK LUGAR these last 2 years has been a tremendous honor.

JIM WEBB

Serving with Senator JIM WEBB of Virginia has also been an honor. He, too, is also a member of the Foreign Relations Committee. As a retiring colleague, he knows there are things in this world and in our lives more important than our politics. He was a decorated marine, a celebrated author, a former Secretary of the Navy, and now a respected Senator. His tireless work has helped to make the world safer, our veterans stronger, and our criminal justice system more fair. I will truly miss his company.

KENT CONRAD

There are a few more retiring Senators I would like to share some more detailed stories about today, and I will start with the chairman from the Budget Committee, Senator CONRAD. Senator KENT CONRAD of North Dakota is a Senator I met many years ago. But if I am going to talk about him, I believe I have to have a chart. I really cannot speak to KENT CONRAD's service and record in the Senate without a chart.

For decades Senator CONRAD tackled the challenge of educating the men and women of the Senate and the people of this country about the very real fiscal and budgetary challenges facing our country. As we can see, especially after the debut of Microsoft Excel, and then after he was named Budget Committee chair, the steady increase and usage of floor charts by Senator CONRAD has paved a path which few of us can hope to find.

Senator CONRAD is a budget wonk after my own heart. He is a numbers guy. He is not afraid to get into the weeds and to project in a clear and legible format the minutia and magnifying details of the complex Federal budget. I am not sure I have met anyone in the Senate so passionately serious about the numbers and getting them right as my friend, Senator CONRAD.

The first time I met him was more than 15 years ago. He had come to Wilmington for an event that then-Senator BIDEN hosted at the Delaware art museum. There were 200 folks in a big auditorium. I will never forget Senator BIDEN introducing Senator CONRAD as the most thoughtful and detailed budget leader in Washington.

Senator CONRAD stood up and fired up the overhead projector, the lights dimmed, and he launched into a lengthy discourse on the minutia of the Federal budget and deficit. After 30 minutes and more than 40 slides later, the lights came back up, and I think there were maybe 20 of us left in the auditorium. Everyone else wandered outside for the cocktails.

I was enthralled by his presentation, the clarity of his thinking, and his dedication to get things right for the American people. Today I am on the Budget Committee, and I have enjoyed serving with Senator CONRAD as my chairman. It was, for this budget nerd, a dream come true to have the chance to show up on time and know that this Budget Committee chairman was the other member of the committee who always showed up on time. It gave us a moment to reflect on the challenges we faced and the very real solutions he has offered over these many years of service.

Senator CONRAD has earned the deserved respect of his colleagues the old-fashioned way: through hard work, attention to detail, and thoughtful leadership. He has been trying and working hard for many years to get us to make the tough choices in the Senate that we need to make to deal with our national debt. He has not given up, and I don't intend to either. I am grateful for his friendship and service.

JEFF BINGAMAN

Another full committee chairman with whom I have had the honor to serve these past 2 years is Senator BINGAMAN of New Mexico, chairman of the Energy Committee. He is one of the kindest, smartest, gentlest people I have ever met. He has been a pleasure to work with on the Energy and Natural Resource Committee.

I remember we were both speaking at a conference on advanced energy research last year out at National Harbor. Thousands of scientists, investors, and entrepreneurs were there. I pulled up in front of the massive convention hall, and right out in front was a Prius with New Mexico plates. Sure enough, Chairman JEFF BINGAMAN jumped out of the driver's seat with no staff.

Here was the chairman of the Energy Committee and a Senator for nearly 30 years driving himself to a major policy speech in his Prius. He practiced what he preached as he prepared to deliver an important speech in a moment that showed his humility.

As unassuming a man as Senator BINGAMAN is, when he speaks, you listen. He is living proof that the value of one's words can and should exceed their volume. On that day at National Harbor, Senator BINGAMAN delivered a message similar to one he had given a decade earlier in a report entitled ''Rising Above the Gathering Storm.'' Senator BINGAMAN saw that this country was falling behind in the race for innovation and investment in research and education. These are things that lay the foundation for long-term competitiveness. This vision and concern haunted him, so he teamed up with our great colleague from Tennessee, LAMAR ALEXANDER, and challenged the National Academy of Sciences to study this trend and offer recommendations. From that challenge, we got the Seminole study, ''Rising Above the Gathering Storm.''

It asked what it would take for America to continue to lead in innovation. That led to the America COMPETES Act and the creation of ARPAE, the Advanced Research Projects Agency for Energy. The very conference at which we had been speaking was the ARPAE annual conference. Both of these important accomplishments played vital roles in our future competitiveness. They are focused on nurturing innovation and creating a political system where political, scientific, and economic forces work together and not against each other.

That is JEFF BINGAMAN. That is his sweeping, long-range vision, and one we should all heed. His commitment to thoughtful and forward-looking service on our Nation's long-term competitiveness will be sorely missed. But even more, I know many of us will miss his reserved, dignified passion.

HERB KOHL

I had a similar experience with Senator HERB KOHL, my colleague on the Judiciary Committee. I remember in my first few months there that Senator KOHL spoke so rarely that when I first heard him speak at an event on the manufacturing extension partnership—one of his passions, and mine—I was struck by the power and reach of his voice. It is because he uses it so sparingly, but his example speaks even louder. He never sought the spotlight here but worked tirelessly to make a difference fighting for the little guy on antitrust issues in the Judiciary Committee.

He believes, as do I, if an American entrepreneur has a great idea, we should help protect that idea by preventing trade secret theft and other intellectual property threats. We also share a deep commitment to the idea that higher education should be more accessible and affordable to every student who wants to pursue it. I am honored to have the opportunity to take up from Senator KOHL's work on these and other important issues.

Outside this Chamber Senator KOHL has just as strong a voice and broad an impact with his philanthropy, but we would never hear him speak about it; that is just not his style. He has earned my abiding respect with his unassuming grace and his determined leadership.

JOE LIEBERMAN

Those who adhere to the Jewish faith around the world are inspired by the ancient concept of ''tikkun olam''—''to heal the world''—to challenge each of us who seek to serve each other and our communities. Like Senator KOHL, my dear friend Senator JOE LIEBERMAN has certainly risen to that challenge. He is a man deeply committed to his faith, which has significantly influenced his career and his drive to serve, and it is something I share with Senator LIEBERMAN.

On my very first congressional delegation, my first trip as a Senator just a few months after being sworn in, I visited Pakistan, Afghanistan, Jordan, and Israel. Senator LIEBERMAN was on a different codel, and our paths crossed and we got to share a shabbat dinner at the David Citadel Hotel in Jerusalem one night. As he was crossing the room for us to sit, I realized he could be elected mayor of Jerusalem.

As we sat and broke bread and shared, it was a great comfort for me. Earlier that day I had gotten word that Delaware had lost one of our great leaders, Muriel Gilman, a personal friend and a remarkable leader and a person of kindness and spirit. She was a pioneer for women in my State and personified this spirit of tikkun olam. So over dinner that night in Jerusalem, Senator LIEBERMAN and I talked about Muriel, about what I had seen in Jordan and in Israel, Afghanistan and Pakistan, and my experience on my first trip as a Senator. It was a remarkable moment. Senator LIEBERMAN was engaging and warm, interesting and passionate as we wove between talk about policy and faith, and he reflected with me on the point of his own life when his religion became his faith, when he really took ownership of the religion of his birth and how that faith and its lessons have shaped his public service. For me as a young Senator, it was a formative moment.

His passion for the stability of the world and the security of the United States and our vital ally, Israel, and his dedicated work for the clarity of the air we breathe and his tireless advocacy for the equality of all Americans regardless of whom they love have been an inspiration. His desire to work together and find responsible compromise has been motivating.

I am deeply grateful to JOE LIEBERMAN for his service, his counsel, his friendship, and his lesson that no matter what faith tradition we are from, we can use our service in this Chamber as an opportunity to repair our world.

So here we are, 5 days before my family celebrates Christmas and 12 days

before the new year and the beginning of the so-called fiscal cliff. Our politics have paralyzed this Chamber and this town. But what the example of all of these remarkable Senators has shown us, what it has taught me is that we can still be better than our politics.

The humanity of this place, too often shoved aside by the politics of the moment, shows us that we can do better. One by one, these Senators, in delivering their farewell addresses to this Chamber, stood at their desks and each in turn urged us to find a way to return to the days when Senators knew each other and worked together. What will it take to get us to that point again—a horrific tragedy in an elementary school, a dangerous economic cliff, some devastating attack, a cyber assault on America?

Our retiring colleagues are each telling us, each in turn, that it is not too late to restore the humanity of this Chamber and make a positive difference in the lives of all we serve. Will we heed their call? I hope and pray we will because we can do better. We must do better. And in the spirit of each of these departing colleagues, I will do my level best. I hope we all can commit to doing the same.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator have Louisiana.

TOO BIG TO FAIL

Mr. VITTER. Mr. President, as we continue to face enormous economic challenges and uncertainty, I rise to join with others in continuing to express concern about too-big-to-fail—a policy we saw clearly in large measure coming out of the 2008 crisis and a policy many of us think continues to this day and puts the American taxpayer and the American economy at great risk.

This isn't a Republican concern or a Democratic concern; it is not just a conservative concern or a liberal concern. A lot of us on both sides of the aisle have this concern. A good example is a Democratic colleague I have been working closely with on these ideas—Senator SHERROD BROWN of Ohio. We both serve on the Banking Committee. We disagree on a lot of issues outside and within the Banking Committee's jurisdiction, but we agree on some things too, including real concern about too-big-to-fail institutions and the continuation of the implicit policy of too-big-to-fail. That is why he and I have come together on a number of fronts related thereto, including legislation we can pass this week before we end this Congress that would simply authorize a study. It is an important GAO study about too-big-to-fail and those institutions.

The idea is very simple. We would ask the GAO—a clearly nonpartisan, clearly expert entity with a lot of smarts, with a lot of ability to do valid, unbiased research—to study whether there is an implicit policy of too-big-to-fail with regard to our largest financial institutions and, if so, what benefits that implicit taxpayer guarantee gives those institutions.

Specifically, it would look at bank holding companies with $500 billion or more of consolidated assets, and it would look specifically at three things, among others: first, the favorable pricing of the debt of those institutions resulting from the perception that those institutions would again be bailed out during times of financial stress as they were during 2008; second, any favorable funding or economic treatment they received from increased credit ratings directly resulting from perceived government support; and third, the favorable economic benefit of the 2008 bailouts and existing safety nets of the Federal Reserve and FDIC. I think these questions are very legitimate, and having an unbiased, academic look at that would be very helpful in terms of our continuing work on these issues.

We talk about this and debate this all the time. Wouldn't it be useful to have an unbiased, apolitical, expert source look at these questions: Do these big institutions with $500 billion or more in consolidated assets—are they considered too-big-to-fail by the market, and does that perception give them advantages, such as favorable pricing of debt, such as favorable funding or economic treatment from their increased credit ratings, et cetera?

There is a lot at stake. It would be very helpful to have factual, unbiased answers to these questions.

First of all, there is a whole question of too-big-to-fail continuing to exist, and I believe it does. This would put nonpartisan eyes on the question and give us a good sense of, do we have more work to do if, in fact, we want to get rid of too-big-to-fail, which we, virtually to a person in this Chamber, profess we want to get rid of. Secondly, to the extent too-big-to-fail continues as a policy and/or a perception, is it giving advantages to these institutions, market advantages, market distortions—which, by the way, if they are the winners, there also by definition have to be losers, which are the smaller institutions that are at a competitive disadvantage because of these market distortions, because of these advantages that too-big-to-fail gives these mega-institutions.

So I hope this is pretty much a no-brainer. It is a study. It doesn't mandate any actions, and it asks valid questions to which getting unbiased answers would be very helpful in our continuing work. That is why Senator SHERROD BROWN and I have come together in a bipartisan way to ask these questions. We have developed legislation mandating this GAO study, and we are trying to get what we consider to be very noncontroversial legislation passed before the end of the year.

As it stands now, we have cleared this legislation on the Republican side. Every Republican Member is perfectly willing to let this pass by unanimous consent. That process has just begun on the Democratic side. I urge all of my colleagues to follow the lead of SHERROD BROWN to allow us to ask and get unbiased answers to these very legitimate questions. I urge everyone on that side to clear it themselves, to join us on our side in clearing it so we can pass it through the Senate and get this passed in the House, hopefully on the consent calendar, which we are already working on. That clearing process will take a little bit of time, but I look forward to coming back and having it cleared by UC. I will probably ask for a live UC at some appropriate point tonight or tomorrow when everyone has clearly had a chance to look at the study legislation.

I look forward to our coming together, I think in a very sound way, asking these legitimate questions, asking a nonpolitical expert entity to give us valid answers to these questions so we can move forward with the proper policymaking.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HAGAN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

REMEMBERING OUR ARMED FORCES

Mrs. HAGAN. Mr. President, just a few months ago I spoke on the Senate floor about the men and women of our Armed Forces who are deployed overseas. Particularly, I spoke about remembering the men and women who give selflessly of themselves, who died for the good of our Nation; these souls who live lives illuminated by purpose and who travel long roads paved with sacrifice. They are the important 1 percent, the tiny fraction who go wherever in the world our country asks them to go, who honorably shoulder the burden of fear and sacrifice for the rest of us because they love this country and believe in defending it.

Today, as we prepare to celebrate the holiday season with our family and loved ones, I once again wish to ask each and every one of my colleagues to remember these men and women, these great souls whose belief in this country is so great they willingly and without qualification put life and limb on the line so that 99 percent of us don't have to spend our days and nights wondering if our loved ones are safe.

Remember that we are still a nation at war, that there are over 170,000 members of our Armed Forces deployed, many of them in harm's way, and many of them are from my home State of North Carolina. This year these deployed servicemembers will not be celebrating with those near and dear to them because they will be on watch protecting the very freedoms

and the way of life we hold so dear. Our service men and women don't ask for anything from us, but please think of them, remember them, thank them, and please keep them in your prayers.

Remember the sacrifices endured by so many of our military families who are at home now without their dad, mom, brother, sister, husband, or wife. And most importantly at this time of year and always, remember that there are many servicemembers who will never come home. While many families miss their loved ones now, especially during the holiday season, some will endure that loss for the rest of their lives. These husbands and wives, moms and dads, brothers and sisters, sons and daughters did not bargain for the pain of waking up each and every day without their partner, a child, a friend, or the person who used to tuck them into bed each night. They did not ask to spend the rest of their lives missing someone so important to them. Remember them as you do your holiday shopping, go to parties, exchange gifts, and otherwise get caught up in the spirit of the season.

SGT JUSTIN C. MARQUEZ

Remember the family of SGT Justin Z. Marquez, U.S. Army, from Aberdeen, NC. Justin died this past October 6 from small arms fire wounds he received while on foot patrol in Wardak Province, Afghanistan, just 1 month after he arrived in theater. Justin was 25 years old.

I spoke with Justin's mom Terry. She told me that as a boy, Justin questioned authority—a lot. But she said it was always because he was standing up for what he thought was right, defending someone else against an injustice or prejudice.

Justin was a good son. He believed in helping others, standing up for others. He was a kid other parents trusted and a big brother to many—a neighborhood guardian, if you will. His house was the weekend hangout. Younger kids would come over. When his mom questioned when the younger kids should go home, her son told her: Mom, don't worry. They are happy being here. Not everyone has the fairytale life like our family does.

Justin's family was a little surprised when he announced that he wanted to join the Army at 18. They wanted him to finish school, to continue growing up, but Justin had other plans. He wanted to go out in the world and make a difference for others, and the Army was how he was going to do this. He was eager to do his part—to stand for our country, our government, our people, and our way of life. He understood how precious our freedoms are and how fortunate he was to be an American.

Justin's life was cut short, tragically so, but his dad, mom, and twin brother got to see him grow from a boy to a man. He made their lives full and challenged them to be better people. According to Terry, his mom, as Justin grew up in the Army, he was like a fine wine: he just kept getting better with age.

Justin understood that the freedoms we enjoy as citizens of our great Nation are precious and valuable. He believed in protecting others. He believed in making the world a better place. He believed in standing so that others might not have to.

Interestingly, Justin's mom brought Justin and his twin brother Drew to Washington, DC, when they were in middle school. They sat in the gallery in this very Chamber. I think it is fitting that we remember and honor him here.

SGT Justin Marquez was a dedicated soldier. He had found his purpose. He believed in what he was doing. We must remember how fortunate we are to have countrymen like him—people committed to fighting for the freedoms we so often take for granted.

Mrs. Marquez shared with me that she does not worry about Justin anymore. He is taken care of and is safe now. But because of him, she now worries for all the other soldiers. We all need to keep these men and women in mind too and support them and stand with them and their families.

CORPORAL DANIEL L. LINNABARY

We also need to remember the family of Cpl Daniel L. Linnabary, U.S. Marine Corps, from Hubert, NC. Daniel died on August 6 at the age of 23 while conducting combat operations in Helmand Province, Afghanistan.

Dan always wanted to be a marine. He made his decision at the early age of 4 and wanted to be a marine until the day he died. He was the third generation of his family to serve in the Marine Corps, and for 46 years there has been at least one Linnabary in the Marine Corps. No wonder he knew he wanted to be a marine at such a young age.

Dan loved the Corps, but more than that he loved his wife of just a year, Chelsea, and baby daughter Rosalie. I spoke with Dan's wife Chelsea, and she impressed upon me that Dan was much more than a marine. She needed me to know that he was first and foremost a good husband and a good father, just a really great guy who loved his wife and loved being a dad.

Dan's baby girl Rosalie just turned 7 months old this past weekend. Dan got to spend only 7 weeks with her before deploying—3 of those weeks an extra blessing because baby Rosalie was in such a hurry to meet her dad that she arrived 3 weeks early. From the minute Dan first held his tiny daughter, he and everyone else knew that he was made to be a dad, that he would always love and do whatever was necessary to care for his family. Now Rosalie will grow up with only photos of her dad, but she will always have a connection to him through those who served with him.

The men of 2nd Tank Battalion have told Dan's wife that they look forward to meeting baby Rosalie when they get back from their deployment early next year. That is just what these men and women do. They look out for one another and the families who are left behind. Yes, they are servicemembers, but first and foremost they are human beings putting others before themselves. We need to follow their lead.

Another thing Chelsea shared with me is that Dan loved her enough to be honest with her always. He did not sugarcoat things. He prepared her as much as anyone could for any eventuality. But how much can you really prepare someone to live the rest of their life without their soulmate? To raise their daughter without her dad? To explain to her that dad gave his life to protect others—especially when too many of us are not even aware of these sacrifices?

Dan was a marine. He was doing what he believed in. His wife knew that it was a dangerous job and that the worst could happen because Dan told her. She just never thought it would be on this, his first deployment, or in this war. He died fighting for our freedoms and lived by a code that most of us will never understand but for which we must be thankful.

As you spend time with your loved ones this season, remember Cpl Dan Linnabary and thank him.

This is a time of year about belief. Different cultures and different faiths have different beliefs. And this is what makes our country the greatest Nation on Earth. Be it faith, politics, or other things, we are all free to believe what we choose. And we must remember that there are special men and women in this world, oftentimes strangers to us, who are willing to give their lives for our right to believe in what we choose. But one thing we should all agree upon is that we must—we must—stand behind and beside the men and women who are willing to pay a debt they do not owe so that other Americans do not have to.

Our servicemembers are from our small towns, our big cities, and our rural areas. They are our neighbors, they are our fellow Americans, and they are my fellow North Carolinians. Justin Marquez, Daniel Linnabary—just a couple of the heroes who lived among us. We must remember them and honor them now and always.

So at this time of the year, I wish to extend my warmest wishes of the holiday season to our servicemembers, both those serving now and those who have gone before us, and to the families and friends who cannot be with their loved ones.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

TRIBUTE TO ROGER BARTA

Mr. MORAN. Mr. President, there are certainly so many serious issues that we face in this country, and so many tragedies have occurred. I was on the floor earlier this week paying tribute to the lost lives in Connecticut and the two police officers killed in the line of duty in Topeka, KS, this week and the death of our colleague—certainly serious issues that we face—and now awaiting the House to pass legislation in regard to the fiscal cliff.

This is perhaps a lighter subject. I want to pay tribute to something that is such a great tradition in our State of Kansas and really across the country. Football is something that is important to communities across my State. On Friday nights, in the fall of each year, thousands of Americans gather at their local high school football fields to cheer on their favorite teams. This tradition has stood strong for decades on the Kansas prairie, but it is especially true in a little town not too far from my hometown, in the town of Smith Center.

There are few if any high school football fans in our State who are unaware of Smith Center's reputation. Coach Roger Barta and his Redmen football team have won more than 320 games and 8 State championships—5 of them in a row. They are even known here in Washington, DC.

A few years ago, when they were on their 79-game winning streak, people would come to me and ask me if I had ever heard of Smith Center, KS. And I would say: Certainly. Yes. What is the story? And they had read on the sports page that Smith Center had scored 74 points on another team in the first quarter. It turned out to be my hometown of Plainville. Mr. President, 74 points in the first quarter—this is an amazing team.

Under the leadership of Coach Barta, the Redmen football team has set State and national records. That 79-game winning streak is a remarkable achievement, and it caught the attention of the New York Times. In fact, a New York Times sportswriter, Joe Drape, moved his family from New York City to Smith Center, KS, and lived there for an entire school year to chronicle the team's achievements and to write about the community. He tells their story in his best-selling book called ''Our Boys: A Perfect Season on the Plains with the Smith Center Redmen.''

There are many reasons for this team's success that would, in fact, bring a New York Times reporter to this small town, but I think the community of Smith Center would agree with me that perhaps the greatest reason behind their success is their head coach—Coach Roger Barta. The coach's 323 victories place him among the top 5 coaches on the alltime Kansas football coaching wins list, and in 2007 he was named the Gatorade National Coach of the Year. But this season, after 35 years of coaching, Coach Barta announced he is ready to hang up his whistle and retire.

I have had the opportunity to participate in several pregame coin flips with Coach Barta and his team over a number of seasons, including their 2009 State title game. Each time, I watched a very talented and sportsmanlike football team and a very spirited set of fans from Smith Center and across the region. Yet all the success this team has enjoyed on the field is not what makes them so remarkable. The truly exceptional work being done on the plains of Kansas is the development of character in the boys of the Smith Center football team. It is the respect the athletes learn to have for their teammates and opponents on the field. It is the integrity the boys are expected to have both on and off the field. And it is the hard-working spirit they take with them when they graduate.

As a member of the Redmen football team, the athletes are not expected to just excel on the field but in the classroom and the community as well. From school plays to school concerts, the Redmen do more than simply play football. And Coach Barta serves more than just to coach football—he serves as a role model and mentor for young men and the community.

I remember a story in the book that says when one of the team members violates a team rule—young fourth grade students in Smith Center, KS, have a player card, and that football team member who violates a rule has to go to the fourth grade member and explain his error in violation of the team rule and apologize to the fourth grader.

Coach Barta's wife had this to say about her husband's commitment to the Redmen:

> Roger likes everything about football, but what he loves most are the practices, the camaraderie, and watching the boys learn a little more. He lets them know how much he wants them to succeed.

In the book about the Redmen, the writer Joe Drape extols the virtues we in America hold so dear. Humility, sacrifice, and unwavering commitment are all characteristics that are exemplified by the Redmen and their fans.

But perhaps Coach Barta's greatest legacy as he leaves the coaching field in Smith Center is within the Smith Center city limits: former Redmen who left town for college or work but eventually returned home.

Broch Hutchison, one of the Coach Barta's former players, is now an assistant coach, and he had this to say about working alongside Coach Barta:

> We've all had opportunities, but this is where we've learned to love one another and work hard and build a community. If we can have an impact on a kid's life like Coach Barta, we want to do it in our hometown.

This attitude exemplifies the teaching, coaching, and parenting philosophy of rural America. Our populations are dwindling and our communities are aging, but our commitment to raising responsible children and preparing them to be successful in life is something that will never leave us. I am thankful that Coach Barta and his staff understand this, and I am proud to come from a part of the country that remains committed to that way of life.

Coach Barta summed it up best when he said this about his coaching philosophy:

> What we do real well around here is raise kids. . . . None of this is really about football. What we're doing is sending kids into life who know that every day means something.

Congratulations to Coach Barta for his outstanding achievements over the last three decades. But most importantly, thank you, coach, for your investment in the lives of young men of Smith Center. Their lives are forever changed because of you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business.

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

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise as my friend, my colleague, my brother, Danny Inouye lies in state in the Capitol Rotunda just a few yards from where I stand now. In life, he received our Nation's highest military honor, the Medal of Honor. Today he is receiving a tribute reserved for just a handful of American heroes such as Abraham Lincoln.

I come to the floor to speak about an important piece of legislation I developed and worked with Dan Inouye on for over 12 years. Today, in Senator Dan Inouye's honor, for all the people of Hawaii, I am asking the Senate to pass the Hawaiian Government Reorganization Act.

Dan and I developed our bill to create a process that could address the many issues that continue to persist as a result of the legal overthrow of the Kingdom of Hawaii in 1893.

As you know, Dan Inouye was a champion for Hawaii and worked every day of his honorable life to solve problems and help our island State.

Dan also served on the Indian Affairs Committee for over 30 years and chaired it twice. He was an unwavering advocate for the United States' government-to-government relationships with native nations. He constantly reminded our colleagues in the Senate about our Nation's trust responsibilities and our treaty obligations to America's first peoples. Dan believed that through

self-determination and self-governance, these communities could thrive and contribute to the greatness of the United States.

When asked how long the United States would have a trust responsibility to native communities, he would quote the treaties between the United States and native nations, which promised care and support as long as the Sun rises in the east and sets in the west.

Dan Inouye's sheer determination to improve the lives of this country's indigenous peoples and make good on the promises America made to them led him to introduce more than 100 pieces of legislation on behalf of American Indians, Alaska Natives, and Native Hawaiians.

Senator Dan Inouye secured passage of the Native Hawaiian Health Care Improvement Act, the Native Hawaiian Education Act, the Hawaiian Home Lands Recovery Act, and the Native Hawaiian Homeownership Opportunity Act.

He was instrumental in helping me to enact the apology resolution to the Native Hawaiian people for the suppression of their right of self-determination. It was enacted on the 100th anniversary of the overthrow of the Kingdom of Hawaii.

In 1999, Dan and I worked together to develop the Native Hawaiian Government Reorganization Act to give parity to Native Hawaiians. For over 12 years now, we worked together to pass the bill to ensure that Native Hawaiians have the same rights as other native peoples, and an opportunity to engage in the same government-to-government relationship the United States has already granted to over 560 native nations throughout this country, across the continental United States, and in Alaska, but not yet in Hawaii.

Over the years, people have mischaracterized the intent and effect of our bill, so let me be plain. For me, as I know it was for Dan, this bill is about simple justice, fairness in Federal policy, and being a Nation that acknowledges that while we cannot undo history, we can right past wrongs and move forward. To us, this bill represented what is ''pono'' in Hawaii, what is just and right.

Our bill is supported by President Barack Obama and the U.S. Departments of Justice and Interior. It has the strong support of Hawaii's Governor, the State legislature, and a large majority of the people of Hawaii. Our bill has the endorsement of the American Bar Association, the National Congress of American Indians, the Alaska Federation of Natives, and groups throughout the Native Hawaiian community.

As a Senator and senior statesman, Senator Dan Inouye advocated that Congress do its job and legislate where native communities were concerned. Dan Inouye believed that a promise made should be a promise kept.

In the days since my dear friend Dan's passing, there has been a tremendous outpouring of love from Hawaii and every other State in the Union. Native American communities across the country are mourning the loss and paying tribute to their great champion. Dan Inouye's absence will be felt in this Chamber and the Nation for many years to come. May his legacy live on for generations of Native Americans and inspire all Americans to always strive toward justice and reconciliation.

I urge my colleagues to pass the Native Hawaiian Government Reorganization Act in the memory of Senator Daniel K. Inouye and his desire to provide parity to the Native Hawaiian people he loved so much.

To Dan, I say: Aloha 'oe and a hui hou, my brother.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIVE AMERICAN AFFAIRS

Ms. MURKOWSKI. Mr. President, I was watching my friend and colleague Senator Akaka as he was delivering his comments earlier about Senator Inouye and the legislation that both he and our dear friend and former colleague have worked so hard on over the years, and I wanted to come to the floor this evening and tell my friend that I am deeply appreciative of the words he has delivered as the chairman of the Senate Committee on Indian Affairs. I would certainly hope the Senate would respect the thinking the Senator has outlined as it relates to the Native Hawaiian Government Reorganization Act.

As the Senator knows well, I have long been a supporter of that act. It is indeed an honor to have worked with him on it, as well as our dear friend and late colleague, Senator Inouye.

This legislation has been going on for some 12 years now, and I think it is fair to say that it truly has been a bipartisan effort, not only here in Washington, DC, but in Hawaii as well.

For several years, when Governor Lingle was Governor of Hawaii, she was back here helping on the Republican side of the aisle.

I firmly believe this cause of Native Hawaiians is just. The native people of Hawaii are similarly situated to the native people of Alaska. Both are aboriginal peoples from former territories. Yet the fact is that the two peoples are not treated the same for purposes of Federal Indian law. The native people of Alaska are recognized as among the first peoples of the United States. Their tribes appear on the Interior Department's list of federally recognized Indian tribes, and they have access to important Federal Indian programs that truly have improved the quality of life for Alaska natives.

The native people of Hawaii, however, are not federally recognized among the first peoples of the United States. For more than a decade now, efforts to provide Federal recognition have been filibustered, and I would suggest unjustly so.

Senator Inouye and Senator AKAKA have worked valiantly to create programs for Native Hawaiians that parallel those available to American Indians and Alaska Natives, but this is not enough. Justice demands that the native people of Hawaii earn the Federal recognition that is rightfully theirs.

The time to provide parity and justice for Hawaii's native people is now. The Native Hawaiian Government Reorganization Act, which has passed out of the Senate Committee on Indian Affairs, I think is a responsible bill. It is a constitutional vehicle to accomplish this objective.

We began our mourning paying tribute to our friend and former colleague Senator Inouye. As we think about Hawaii and its peoples, and as we remember the contributions of Senator Inouye, and as we recognize Senator AKAKA as he departs from this body after years and years of honorable service, I would hope that within this body we would not forget the efforts they have worked on so valiantly.

I will commit to my friend, Senator AKAKA, that the cause the Senator has taken up, that he has worked on so hard with Senator Inouye, will not die until justice for the native people of Hawaii is achieved. I thank the Senator for his leadership.

Mr. President, I was going to yield the floor, but I would like to take a moment to provide my remarks regarding Senator AKAKA and his contribution here, if I may.

DANIEL K. AKAKA

Mr. President, I rise to speak on behalf of my friend, my colleague, Senator DANIEL AKAKA, who is set to retire after 22 years of dedicated service in the Senate. He has been a personal friend to me, he has been a personal friend to my family, and to my parents. He and his wife Millie, a wonderful, beautiful woman, have been leaders on behalf of the people of Hawaii and have long been friends and partners to the people of Alaska.

Senator AKAKA has served our Nation and the great State of Hawaii honorably for nearly 70 years. That is an incredible contribution. His service began in 1943, immediately following his graduation from the Kamehameha School for Boys in Honolulu. The Japanese attack on Pearl Harbor had taken place a year earlier, only 5 miles from his dormitory steps. In the hours immediately following that attack, Senator AKAKA, who was a 17-year-old ROTC cadet, helped his classmates search for paratroopers in the fields above his school grounds. Like so many others of his generation, Senator AKAKA answered the call of duty, joined the U.S. Army, first with the Corps of Engineers as a mechanic and a

welder, and later as a noncommissioned officer.

In 1952, Senator AKAKA used the GI bill to earn his degree in education from the University of Hawaii and began his lifelong dedication to our Nation's students, first as a teacher, then as a principal at a high school in Honolulu, and later with the Department of Health, Education and Welfare.

Senator AKAKA was first elected to the U.S. House of Representatives in 1976 and then went on to win six more elections. It was clearly evident to the people of Hawaii within that second congressional district they valued his passion and his dedication for the office. In 1990, after the death of Senator Spark Matsunaga, Senator AKAKA was appointed and then subsequently elected to the seat in the Senate that he has held for 22 years now.

Senator AKAKA's fortitude and his determination have not waned in these 70 years. As the first Native Hawaiian ever to serve in the Senate, and the only indigenous person currently serving in the Senate, he is a proven champion for American Indians, Alaska Natives, and Native Hawaiians. It was just in October of this year that Senator AKAKA came to Alaska and was honored by the Alaska Federation of Natives with the Denali Award. This award is presented to an individual who is not an Alaska Native for their contributions to the growth and development of the Alaska Native community's culture, economy, and health. Senator AKAKA has done that repeatedly over the years.

The efforts he has worked on, whether it was bigger initiatives or whether to ensure the people in King Cove had access to an airport so their lives weren't threatened in a medical emergency and they could get out, Senator AKAKA has stepped up to ensure the people of Alaska are cared for.

It has truly been a pleasure to work with Senator AKAKA over these past 10 years on the Senate Indian Affairs Committee. The chairmanship he has administered has been admired and appreciated by all of us who are on that committee.

Senator AKAKA's leadership, wisdom, and grasp of issues has helped us work together toward many visions and goals that we shared. The Save Native Women Act—a bill to help protect native women and children across our 565 federally recognized tribes—was largely incorporated into the Senate version of the 2012 Violence Against Women Act. We need to make sure that legislation passes. And again, as we think about the statistics that so many of our native peoples face, we need to make certain we are making appropriate gains and strides to help address them, and Chairman AKAKA has worked with us on that. We fought to ensure the preservation of native languages not only in our communities but within our classrooms.

As I mentioned, I have long supported the concept that Senator Inouye and Senator AKAKA have championed with regard to Federal recognition of Native Hawaiians.

But Senator AKAKA is also special to two other constituencies—our Federal employees and our veterans. He is one of this body's leading experts on some of the more arcane laws that apply to Federal civil service. Alaska's Federal employees clearly appreciate his leadership on the Non-Foreign AREA Act, which made them eligible for locality pay that counts toward retirement. This is an issue in my State that took some time to negotiate and to move through, but the Federal employees in Alaska—as they are seeing the benefits of that locality pay—owe thanks and gratitude to the work of Senator AKAKA. And of course he knows well the laws that govern the U.S. Postal Service probably as well as anyone in this body.

During Senator AKAKA's tenure as chairman of the Senate Veterans' Affairs Committee, this body has made great progress in ensuring that the VA had a budget commensurate with its needs. His contributions to ensuring that post-9/11 veterans had access to critically needed health and education resources will endure.

As neighbors in the Pacific, Alaska and Hawaii have always shared a very special bond, not only because of our geography and our time differences. Every time I endure a 12-hour flight across the country to go home—and home is four time zones away—I am reminded that it takes Senator AKAKA a couple hours more and one time zone more to get home. But it is not only our geography that binds us; we have many other similarities: our indigenous peoples, the relative youth of our States, our unique landscapes, and for years our delegations have worked together across the aisle for the good of our people.

Senator AKAKA's bipartisan approach, his willingness to work toward success, will be missed by myself and so many of our colleagues. And, of course, I don't think Senator AKAKA would call it bipartisanship. He would call it aloha. We work in the aloha spirit.

With that, I wish to tell my friend and my colleague, mahalo. From the bottom of my heart, mahalo. I am going to miss you, Senator AKAKA. I am going to miss your wife Millie and your entire extended family. But as you return home to your beloved Hawaii, know that you have left an impression on so many.

With that, Mr. Chairman, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RULES CHANGES

Mr. MERKLEY. Mr. President, I rise to talk about the challenge of this Chamber being a Chamber that can deliberate and decide issues, the big issues facing America.

I don't think it will come as a surprise to anyone that the Senate, once famed as the world's greatest deliberative body, has become paralyzed. At the heart of that paralysis is a change in the use of the filibuster. ''Filibuster'' is a term I believe comes from the Dutch, and it refers to piracy. In this context, it is about someone taking over this Chamber—taking over the normal process by which we debate issues and decide issues by majority vote.

In the past, when everyone understood the very heart of what we do is to make decisions by majority vote, the filibuster—the takeover of this Chamber, the objection to a simple majority vote—was very rare. People did this only once or twice in a career for some issue of profound personal values or of extreme concern to an issue in their State, and it was most often small factions who would do this.

In 1916, there was a debate—a debate that went on about whether to put weaponry on our commercial shipping. This was pre-World War I. In the course of that debate, there was a small faction who said: We are going to interrupt and we are going to object to the simple majority because we strongly oppose the United States putting any defenses on its merchant vessels, even though those vessels were being sunk by the Germans as they went over to Europe.

This was enormously frustrating to President Woodrow Wilson, and it was enormously frustrating to the Members of this Chamber who said: We must complete debate and make a decision and only a small number want to block us from making that decision.

The following year, in 1917, they adopted a rule that we could close debate if we had two-thirds of this Chamber voting to close debate. That is called cloture. Cloture continued to be an instrument that in situations where there was an individual or a small group who stretched the limits of the courtesy of full debate, then the Chamber as a whole could say: Enough is enough. We need to bring this debate to an end and make a decision.

Over time, things have changed. This objection to a simple majority—which makes it impossible for the Chamber to end debate—has grown from its occasional use to a routine instrument of legislative destruction. It is used on virtually every debatable motion.

A single bill can have as many as seven or so steps where you have a debatable motion. In that situation, then an objection to a simple majority can be done multiple times. Each one of those objections wastes a week of the Senate's time on this floor, which means the Senate not only cannot decide the issue at hand, it runs out of

the time to debate and deliberate on the other issues that we should be doing on the floor.

As I will show in a chart later, we can measure this in part by the action on appropriations bills. We have an expectation of—it used to be 13 appropriations bills; now it is 12. In the last 2 years we have done exactly 1, 1 out of 24—totally unacceptable in terms of this Chamber fulfilling its responsibility just in that one area of appropriations, decisions about how to spend moneys in different parts of the government.

I know when people hear the word ''filibuster'' they do not think of simply a silent objection. Yet that is what is in the rules, a silent objection to a simple majority. They think of someone taking the floor and making their case on an issue of deep principle or deep concern to their State. They might be thinking a little bit about a picture that looks a little like this.

This is that famous scene from ''Mr. Smith Goes to Washington.'' Jimmy Stewart is on the floor. He talks through the night, making his case. He is fighting for fairness and justice in the face of corruption. That is what people think of when they think of a filibuster.

But the way it works today, it is a simple objection. We ask for a unanimous consent request, meaning do all 100 Senators agree to go to final vote, and someone says: I object. That is all that is required. That is all it ever meant. But in the past, that objection to the heart of democracy, to the simple majority, meant you felt honor bound to come to the floor of the Senate and make your case while you stood in the way of the decisionmaking of this august Chamber. But that sense of honor-bound responsibility to make your case before your colleagues, make your case before the American people, has disappeared. Indeed, instead of the filibuster being something done by an individual or a small group, it is now used as an instrument of party warfare.

The minority party, be it the Democrats or be it the Republicans, say: You know, we can slow down the majority by eating up their time. We can do it by filing an objection on every debatable motion, and we will simply eat up the calendar and prevent them from getting their work done. Then we will say how incompetent they are, that they can't get their work done—after we have caused them to be unable to do it.

I thought I would go through the enormous expansion of this tool of legislative destruction in many different categories in the years since 1970. Before we do that, by the way, every now and then someone says: You know, the Senate was designed as a supermajority body. Indeed, that could not be further from the truth. There are specific cases where our forefathers said a supermajority makes sense; for example, in the case of overriding a Presidential veto, in the case of approving a treaty, in the case of having a constitutional amendment. But they viewed that these legislative Chambers, like every legislative chamber in the world, would make decisions by simple majority.

In fact, they addressed this in the Federalist Papers. Here we have Alexander Hamilton and his commentary on supermajority decisionmaking that was fierce. He said—and this is just a small part of his diatribe about how destructive it would be to have this Chamber tied up in a supermajority. He referred to it as driving ''tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.''

We have seen some of those tedious delays, we have seen some of those contemptible compromises, and certainly he was looking into a crystal ball and accurately summarizing the situation.

He was not alone. Here we have compatriot James Madison, also in the Federalist Papers. He noted ''the fundamental principle of free government would be reversed.''

By ''fundamental principle,'' he is talking about the fact that when you make a decision by simple majority, you make the decision that most people think is the right direction in which to go. But when you make a decision by supermajority, and a minority can block it, you are making the decision the smaller number thinks is the right decision. In that sense, you have a series of worst decisions rather than a series of best decisions. So the wisdom of the group tapping into the expertise of colleagues who came from many directions, many walks of life, is not realized.

Let's take a look at what has happened in this use of the objection to a simple majority, otherwise known as a filibuster. Here we are evaluating it in terms of the cloture motions that are filed. These are motions that are designed to drive a vote on whether to close debate. It is one way of measuring the number of filibusters. How about nominations? We can see that basically the first filibusters on nominations were in about 1970. I was about 14 years old. I was starting high school. That is when this started to be done. We can see that as time passed, we have an enormous increase in the number of filibusters on nominations. Over here, in 2012–24. It is a situation where these are only cloture motions. So many other nominations were blocked because of threatened filibusters.

We have this vast number of positions in the executive branch, this vast number of judge positions that are unfilled. The advice and consent clause in the Constitution that gives this Chamber, the Senate, the chance to weigh in has been turned, through the expanded use of the filibuster, into a tool that damages the other branches of government. It prevents the President from having his team that he would like to have, and that blocks us from getting the judges onto the courts so we can have the sort of speedy criminal justice system we envision and promise.

That was just nominations. Let's take a look at some other areas. The motion to proceed is the very first step for a bill. It is just a motion to get the bill on the floor to debate. That was virtually never filibustered. We have one time down here in 1932, until we are in the 1960s, and then early 1970s. It takes off. We see this massive expansion that makes no sense unless you are just trying to paralyze the system because these filibusters are not in any way construed to enhance debate.

These are to prevent debate, prevent us from getting to a bill to debate it, prevent an agenda from ever being considered by this body. Here we have over 30, and over 20—in recent years just a huge number of efforts to prevent these bills from ever coming to the floor to be debated. How can we weigh in and address the big issues facing our Nation if we cannot get the bill on the floor to begin with? Again, in recent times, and enormous change in strategy used by the minority to prevent debate.

Here we have amendments. The first time, about 1962, the filibuster was used on an amendment because people envisioned the filibuster as something to be used at the end of the process on a bill when all the different pieces have been put in place, and you say: Is their a core principle compromise after I have fought and won or fought and lost? But then folks got the clever idea: We can do this on any debatable motion, including an amendment. So the number of filibusters on amendments also grew enormously from the early 1970s forward.

Final passage? This is where we see the traditional role of the filibuster, one or two or three a year over these many years from the 1920s on through the 1960s. Stop the chart right here in the middle. That is what the filibuster was, very occasional battles over core principles. Then we have 1970 and look what happened. We had this explosion of 25—that was 1974. What happened as a result?

In 1975 there was a big battle on this floor about changing the rules because this abuse was preventing the Senate from doing its business. So in 1975 we have this enormous battle. There are three votes in which a simple majority says, yes; we can change the rules by simple majority, and we intend to do so. The majority leader who opposed this finally said: OK, I get the message. A simple majority is prepared to change the rules if we do not address the paralysis of the Senate, and they changed the rules.

The compromise was to change it from 67 required to close debate down to 60, from two-thirds down to three-fifths. You can see the number of filibusters then dropped off, and they were resolved more easily.

But what do we have? Again, this enormous explosion until 2012, 35 filibusters. We are deeply afflicted. This is

why we are having this conversation over how to save the Senate from itself, from this instrument of the objection to a simple majority that is being used to thwart the ability of the people's elected leaders from addressing the issues our Nation faces.

After a bill has gone through passage, it goes over to the House or the House bill comes to the Senate. When both Chambers have passed the same bill in different forms, then you need to get it to negotiation. That is done through a conference committee. It used to be nobody filibustered a conference committee. Here we have in 1972 the first filibuster on a conference committee.

Why would you object to getting the three motions done that are required to get a bill into negotiation with the House? That doesn't facilitate debate in any conceivable way. But it was an instrument to eat up the time of this Chamber so they could not address other issues. It is like walking knee deep in molasses. You just cannot get very far very quickly.

Then we see this huge explosion in using this filibuster, the objection to a simple majority, in the latter part of this last decade. The result has been this: We have basically given up on conference committees. It is too hard to get to conference. So we have informal negotiation, or we have kind of a process called ''pinging,'' where we change the House bill after we pass our own version, we change it, send it back over, they change it, send it back over to us—not a very effective way to negotiate a compromise that can pass in the same form. And until and unless it passes both Chambers in the same form, it cannot get to the President. So this was a huge change as well.

Then we have, after conference committee, reports coming back from conference. Now you have the same version; it normally has not changed very much. Again, we see this explosion—once, basically, in about 1945, and then about 1970 an explosion, and then we see the dropoff in part because we just started giving up on conference committees.

In each one of these debatable motions we have a problem, a problem that has grown enormously from 1970 forward, the last 40 years. This is something I have witnessed within my own lifetime. I came here in 1976 as an intern for Senator Hatfield. I was assigned to the Tax Reform Act of 1976. In those days there was no camera on this floor and there was no e-mail, so essentially the only way the Senator had to monitor a bill was that he or she would meet with a staff member outside these doors where the elevators are.

I would sit up in the staff gallery and monitor the debate on the Tax Reform Act, and I would rush down with each vote, meet Senator Hatfield coming out of the elevators, and brief him on the details of the amendment. There were sometimes a couple of layers of motions, and I would proceed to say: Here is what the folks are thinking about back home; here is what folks back home are thinking about this issue.

He would come back to vote, and I would rush back upstairs and see how he voted, how everyone else voted, how it came out.

I would rush back and start making notes on the next debate. Well, this Chamber deliberated on amendment after amendment. When one amendment was done, then a series of folks near the Chamber would raise their hand and call on the Presiding Officer. Whoever the Presiding Officer called on—and according to the rules, the Presiding Officer is supposed to call on the first person he or she hears—and that person would present the next amendment and then the debate would begin. They would debate for an hour, hour and a half, and then they would vote.

These amendments were germane and relevant to the issue. They had to do with different aspects of the Tax Code: Was it Employee Stock Ownership Plan, ESOPs. That was something Senator Hatfield cared a great deal about. Was it the change in a provision regarding teachers' home offices? It seemed that was something every teacher in Oregon was writing us about. We debated these issues, we decided these issues, and it was a simple majority. That is the way the Senate deliberated and decided on issues over our history until the last 40 years when this massive expansion of the use of the objection to the simple majority has paralyzed this body.

I thought it was interesting to see this cartoon. It says: I will tell you all the reasons we shouldn't reform the filibuster. I assume it is depicting a Senator on the floor of the Senate. And it says, No. 1, it will restrict my ability to frivolously stymie everything. And then the Senator says, No. 2—well, the Senator thinks about it, grimaces, frowns, and cannot think of any other reason that we should not reform the filibuster other than the ability to frivolously stymie everything. Finally the Senator says: How long do I have to keep talking? A little farther down here it says: You can read recipes for paralysis.

Well, that is what we have in the Senate right now. Due to the extraordinary abuse of the filibuster, we have a recipe for paralysis.

It is time to do something about that. The first thing we should do is eliminate the filibuster on the motion to proceed. That was the first step in the process I showed in the earlier chart. It doesn't make sense to debate whether to debate. We should be able to vote on whether the bill comes to the floor. Let's have a couple of hours to debate that. Then we have a simple majority vote. Either we decide we are taking up that bill or nomination or we are not taking up that bill or nomination, and we go on to the next order of business. We should not waste a week of Senate time trying to decide whether we are going to have a debate on a bill or nomination.

Those listening may wonder why there is a week of wasted time. Well, it works like this: First of all, we have the motion and then we have debate that takes place and we think we will wrap it up, but we don't. Then we think we have a motion to close debate, but to do that there has to be a petition signed by 16 Senators. So on day three we get the petition. Then the petition has to ripen, which means it has to sit over on intervening days. So we start the debate on Monday, sign the petition on Tuesday, and now we cannot vote on whether to close debate until Thursday. Then if we are able to vote and get 60 votes, we have to have 30 hours of postcloture debate. Now the week is gone. The 30 hours wipes out Friday.

If that is done multiple times on a bill, it means multiple weeks are wiped out with nothing productive. There is no productive conversation on this floor, no point and counterpoint, no insights with people's life experience, no questions asked or questions answered. Nothing productive gets accomplished.

If we want to sum up all of the filibusters on all of these different motions, here is one way to compare it. Lyndon Johnson was the majority leader for 6 years. During those 6 years, he had to file one petition. Technically it is called a motion, but actually 16 people have to sign a petition. He had one motion to end debate in 6 years.

Now we have HARRY REID who has been the majority leader for 6 years. As this poster says, ''387 and counting.'' I think the number today is 391. There have been 391 1-week delays in 6 years. How many weeks are there in 6 years? Well, that would be about 312 weeks. Is that right? Yes, 312. So that is 312 weeks, and as it says here, ''387 and counting''—390 weeks wasted.

No wonder we don't get things done, such as our nominations for the executive branch or the judiciary, our appropriations bills, our authorizing bills, or the policy changes that are going to make a big impact on the challenges we face in America. As we can see here it is 1 versus 387. This is now a couple of days old, so it is 391 and counting. We cannot allow this to continue. We have a responsibility to the people who elected us to be a seasoned, deliberative body.

Some say: Well, this is what the Senate is all about. There is a story recited by historians that says that is apocryphal. It is a story about President Washington and Thomas Jefferson. They are having a discussion. Washington says the Senate is meant to be the cooling saucer. Just as we poured our hot tea out of our cup and into our saucer to let it cool so we can drink it, the Senate is meant to be a cooling saucer. Well, perhaps the Senate was meant to be a cooling saucer, but it was not meant to be a deep

freeze. The cooling saucer concept is that the Senate is a little more detached from the immediate fashion of the moment. It is a little more detached because we are elected for 6-year terms, not 2-year terms. It is a little more detached because we are staggered so some have been here 2 years, some 4 years, and some 6 years. After their first term, then they will be here many years thereafter. It is supposed to have a little more distance on the immediate trends because in the beginning we were indirectly elected by State legislators. Of course, we changed that. We changed that in the early 1900s because of the abuses that occurred and went to directly electing Senators.

The idea was longer terms, a little bit more deliberation, a smaller body of folks in the Senate, two per State. That was so we could deliberate thoughtfully, not so we could not deliberate. There is a big difference. This is unacceptable. If this majority leader were a Republican and the Democrats were doing this, it would be unacceptable. It is unacceptable for either minority party to devise and execute a strategy that prevents this body from doing its work.

The thing that is diabolical about the filibuster is that in the procedural sense it is invisible. So we have this unanimous consent request—this courtesy—is everyone ready? Should we vote? When the Senate was a small Senate, and prior to 1970, virtually the answer was always yes, except for those rare moments on issues of deep values. But now it is done as a minority party strategy to obstruct, and it is done on virtually every motion. And because it is an objection to a vote, it has never required people to talk on the floor. Of course, we all believed someone would talk on the floor because that is the way it was done. If someone violated the majority principle, that person had the courage and principle to come to this floor and explain that to colleagues and the American people. That is no longer true. Now there is no courage. It is in hiding.

I will give an example. We had a bill on the floor in 2010. It was called the DISCLOSE Act. The DISCLOSE Act said that for every donation, the public should know where it comes from. If it comes from ranchers, people should know about it; if it comes from Oklahoma, people should know about it; if it comes from the tobacco industry, people should know it. The people have a right to understand who is financing the ads they are seeing or who is financing the literature they are seeing. That is part of a transparent and accountable democracy.

We had 59 folks on the floor of the Senate say: Yes, we have debated enough, let's close debate, and we could not get the 60th vote. Not because there was more to be said, but no one among those who were voting for additional debate would want to be seen debating. They didn't want to be seen defending secrecy. They didn't want to be seen defending the creation of vast pools of cash that flowed freely between super PACs and dumped into campaigns at the last second with nobody knowing where it came from. They didn't want anyone to know where vast pools of money were going under deliberately misleading names. Maybe it was a group that wanted to keep some polluting factory open, but they called themselves the Blue River Coalition or the Blue Skies Coalition because the money could not be traced. No one wanted to come here and debate that, but they voted for a debate. That is the silent secret filibuster that has wiped out accountability to colleagues and accountability to the American public. We need to end that.

Right now the minority leader has come down and said several times he doesn't like this idea. He doesn't like it at all. He has called those of us who promoted transparency and accountability sophomoric. Well, I didn't think that was particularly a polite thing to say, but let's say we have a difference of opinion. I am out here advocating for this Chamber to be able to do its responsibility before the American public. I am out here advocating that if someone votes for more debate, they have to have the courage of their convictions to make their case before their colleagues and come to the floor. If they don't have the courage, then we go ahead with the simple majority vote. It is that straightforward.

There are some folks who say: We can already have a talking filibuster under current rules. We don't need to change the rules. I found this interesting because the fact is that all of the writing about the theory and historical efforts—I will say one thing, and that is that over any length of time it is impossible for the majority to keep a filibustering minority talking. Why is that? It is because it takes the majority of 51 Senators to create a quorum and force 1 filibustering Senator on the floor. That has been a myth that some of my colleagues have been perpetrating. I thought I would go over it a little bit more. There was a recent book by two very well-steeped scholars. Richard Arenberg was one of those scholars. Richard Arenberg was an aide to Senator CARL LEVIN as well as to Senator Tsongas and majority leader George Mitchell, so he has had a long career of experience here on the floor of the Senate. The other scholar is Robert Dove. Who is Robert Dove? He was a Parliamentarian in this Chamber. He spent his time working here from 1966 until 2001. In the chapter of their book entitled ''Bring in the Cots,'' they explained how this works. Here are a couple of passages between pages 146 and 152 that I thought summed it up:

Those who call for forcing the filibusterers to talk either ignore or are unaware of the fact that for a sizable organized minority, and certainly for a minority of forty-one senators or more, lengthy sessions are a little more than exercises in scheduling.

The filibusterers are able to take turns holding the floor, and since they can demand the presence of a quorum at virtually any moment, it is the majority that carries the heavier burden because they need to keep fifty-one senators nearby. If the filibusterers call for a quorum and it is not produced, under the rules the Senate must adjourn.

So they lay out the theory, and they go on for several pages doing this. They also quote some other experts. One of those they quote is Franklin Burdette. He was a scholar who wrote ''Filibustering in the Senate.'' It is referred to as the classic text on the filibuster. Franklin Burdette said this:

> Any experienced maneuverer in the Senate knows that a determined group of filibusterers, before they are themselves exhausted, can usually manage to wear out the patience and endurance of the majority.

Dove and Arenberg go on to quote commentator Elizabeth Drew and she says this:

> Many people now insist that those who use filibusters should actually be made to stand up and talk through the night, but there's a reason that doesn't happen anymore. In the 1970s, Majority Leader Mike Mansfield realized that the real punishment was not to the small band of all-night speakers, but to the majority party, which had to keep a quorum on hand, sleeping on the famous cots near the Senate floor, lest the person conducting the filibuster suddenly make a motion to adjourn the Senate, thus defeating the purpose of keeping them talking.

Then Elizabeth Drew quotes Historian Ritchie who says:

> The all night filibuster wore down the majority much faster than it did the minority, and majority leaders haven't used the tactic since.

But then Dove and Arenberg go on to cite the historical record, go through the different filibusters that have been on this floor, and one of the examples they cite is majority leader Lyndon Johnson's 1960 effort to defeat a civil rights filibuster:

> Senator Johnson's effort did not work. . . . Civil rights supporter Senator William Proxmire, Democrat from Wisconsin, described the scene.

Now we are quoting Proxmire. He said:

> We slept on cots in the old Supreme Court chamber and came out to answer quorum calls. It was an absolutely exhausting experience. The southerners who were doing the talking were in great shape, because they would talk for two hours and leave the floor for a couple of days.

Then Arenberg and Dove proceed to take a look at other cases, including majority leader Robert Byrd's 1988 effort to break a filibuster against campaign finance reform:

> Senator Alan Simpson frustrated this effort for much of the time, simply by repeatedly requesting quorum calls. . . . The bottom line is the bill never passed. The minority that was blocking the bill was able to sustain their filibuster through a record eight cloture votes. In the end, Majority Leader Byrd had to back down.

In most theory and practice, we can't sustain a process of having those who are filibustering actually debate what they voted to debate. So what many of us are proposing is that we change the rule and say that if a Senator votes to debate, then that takes a minimum of 41 saying, yes, we want more debate, and of those 41, at least 1 has to be on the floor talking. This is only fair to the American people. They turn on C–SPAN and they see quorum calls. They see silence, and they wonder why the Senate isn't working on that jobs bill they had on the floor a few days before. They don't know it is still on the floor, but the silent secret filibuster is being used to prevent the Senate from proceeding and nobody is even willing to talk because they don't want to be seen in public defending their position. That needs to end. This process in which Senators do not have the courage to come down and make their case before the American people has to end because only if folks make their case on the floor can the public weigh in, can colleagues weigh in and say: Yes; you are a hero. Thank you for your filibuster because you are defending some core principle I too share or you are defending some key interest for my State that I too care about or they can weigh in and say: You know what. You are a bum. You aren't making any points. You haven't described any position. You are simply paralyzing the Senate or, worse yet, I disagree with you. You are defending big, vast pools of secret funds used to corrupt the American political system. Why would you do that? Why don't you, my Senator, join the next cloture vote to close debate and get on with solving this problem of vast pools of secret funds or some other key issue.

The Presiding Officer and I have been here just 4 years. Had I not been here as a young man and seen this Chamber as one that deliberates and decides, I wouldn't feel so passionately because I wouldn't understand what we had lost. What we have lost is something that started with a constitutional vision of the design of this Senate, including the courtesy of hearing everyone out before making decisions, and what we lost in losing the deliberative, decisionmaking body was everything—everything in terms of this body upholding its responsibility to address the big problems facing America.

When we come into session on January 3, we are going to have a debate over rules. There are some who say let's get rid of the debate on the motion to proceed, the filibuster on the motion to proceed. We know what happens then. We get a double down in the paralysis at the later stage at which a bill goes through. At a minimum, we must change this dynamic of the secret silent filibuster and say if a Senator votes for more debate, a Senator must make their case on this floor.

I encourage citizens around this country—citizens who have watched this Chamber decline and be broken and fail to address the issues we should address—to weigh in with their Senators and their home States and let all the Senators know it is irresponsible and unacceptable for us to continue the current procedures in which we are so paralyzed and incapable of fulfilling the work that needs to be done.

Thank you. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 834, 835, AND 877

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 834, 835, and 877; that there be 30 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 834, 835, and 877, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4310

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of the conference report to accompany H.R. 4310, the Department of Defense Authorization Act for Fiscal Year 2013; and that there be up to 1 hour of debate equally divided between the two leaders or their designees prior to a vote on adoption of the conference report.

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

CRITICAL JOB PROGRAMS

Mrs. GILLIBRAND. Mr. President, I would like to engage my colleague, the Senator from Iowa, in a colloquy.

I would first like to take this opportunity to commend Senator HARKIN, Senators Inouye and COCHRAN and the rest of the Members of the Senate Appropriations Committee for crafting a responsible, commonsense and critical supplemental appropriations bill to allow New York, New Jersey, Connecticut, and other impacted areas recover from the devastation left by Superstorm Sandy.

I would like to highlight an important aspect of the recovery effort, and that is addressing the employment and workforce crisis following the storm that has exacerbated the already chronically high unemployment rates in many of the impacted areas in New York and beyond.

The human, infrastructure, and economic devastation that Superstorm Sandy inflicted upon New York has been crippling and only comparable most recently to the tragedy of the September 11 terrorist attacks. While it will be months before the economic impact of Sandy can be fully assessed, particularly as it relates to the dislocation of workers, initial figures clearly indicate a long economic recovery for businesses and employees, particularly given that the most densely populated region of the United States was at the center of the storm. In fact, the U.S. Bureau of Labor Statistics reports that four of the five counties with the highest number of labor force participants per square mile were among those hardest hit by Sandy. In addition, all 26 of the counties designated as major disaster areas are among the top 10 percent of U.S. counties in terms of labor force density, highlighting the sheer number of workers impacted by Sandy.

Preliminary estimates are that Sandy destroyed 265,000 businesses in New York State and 189,000 businesses in New Jersey, the two hardest hit States. To put these figures in perspective, it is estimated that 18,700 businesses were impacted by the devastation of Hurricane Katrina in 2005. The estimated 265,000 New York businesses impacted employed approximately 3.8 million workers with over $264 billion in annual wages. It is also worth noting that preliminary estimates point to the fact that 90 percent of the impacted firms are small businesses. Worth noting is also the surge in applications for jobless benefits increasing by 78,000 to 439,000 in the week of November 10, the highest since April 2011, mostly because a large number of applications were filed in States damaged by the storm. Given these staggering numbers, we can only assume that the recovery efforts of our impacted businesses and displaced workers will be long and difficult, demanding investment in government programs that can effectively help get businesses back on their feet and put people back to work.

While all levels of government have been very responsive in addressing the immediate emergency needs, it is essential to understand the lessons of previous catastrophic events when designing and implementing appropriate, long-term strategies for the impacted region's recovery. In particular, business closures and layoffs resulting from the storm's devastation could prolong the economic distress Sandy has caused without a dynamic, immediate, and comprehensive workforce initiative to head off these impacts.

It is well recognized that small- and medium-sized business are the backbone of our economy, employing half of private sector workers and accounting for the creation of two out of three new jobs in the United States. Immediate support and stabilization is critical to full recovery of small businesses, which, as noted, make up about 90 percent of the 265,000 estimated New York firms impacted by Sandy. Business continuation, including keeping the doors open while loans, insurance payments and other incentives are realized, is essential. One Federal investment worthy of consideration is temporary employment support, which will help maintain both business operations and help prevent the loss of jobs through the recovery, reducing the need for unemployment and other Federal benefits.

In addition to Federal investment in workforce retention programs, rapid response in identifying and servicing impacted businesses and unemployed workers is required. As recovery efforts move forward, Federal, State, and local authorities should look for ways to invest in and partner with the extensive networks of community-based organizations, economic development groups, as well as organized labor and affiliated management to deliver workforce development services, including outreach for job opportunities, job training, and placement for in-demand occupations and other related reemployment activities.

For example, the Consortium for Worker Education, CWE, a nonprofit agency specializing in workforce preparation, industry specific training, and employment services has partnered in the past with all levels of government and other community based organizations to deliver job placement services and temporary employment support programs to ensure worker retention in the aftermath of disasters. Their efforts alone have helped train and put back to work thousands of people during similar workforce crisis situations as New York finds itself in now following Sandy.

By investing in innovative programs like CWE's, workforce recovery efforts will more effectively take into account the unique needs of each impacted area and deliver tailored services to impacted businesses and displaced workers alike.

Mr HARKIN. Mr. President, let me commend the Senator from New York for highlighting the critical employment and workforce needs in the areas impacted by Superstorm Sandy. Now more than ever, Congress must give our States and localities that have been hard hit by Sandy the tools and resources that help dislocated workers return to their jobs or, if necessary, find new, good-paying employment. The supplemental appropriations for disaster assistance bill's funding for dislocated workers is just one step in the recovery process, but an important one to help workers get back on their feet.

As New York, New Jersey, and the other impacted areas move forward with their recovery, I will continue to work with Senator GILLIBRAND so that the short- and long-term needs of impacted workers are addressed.

Ms. COLLINS. Mr. President, I rise today to engage my colleague, Senator TESTER, in a colloquy regarding language he authored in this bill that would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This language would authorize chief executives of federally recognized tribes to submit a request for a major disaster or emergency declaration directly to the President of the United States.

The principal effect of this language would be to eliminate the current requirement that tribal chief executives submit such requests to the Governor of the State in which the tribal reservation is located; tribal chief executives would be permitted to submit such requests to the President without first obtaining the Governor's approval.

The tribes of Maine—the Penobscot, the Passamaquoddy, the Houlton Band of Maliseet Indians, and the Aroostook Band of Micmacs—have a jurisdictional relationships with the State of Maine which is unique among the 50 States. Although, based on my analysis, this language would not in any way affect the relationship between the State of Maine and the tribes of Maine, to make this clear, I would like to pose some questions to the Senator regarding the intent of the language.

The jurisdictional relationship between the tribes of Maine and the State of Maine is set forth in the Maine Indian Claims Settlement Act and the Maine Implementing Act, the latter having been enacted by the Maine State Legislature and ratified and approved by Congress when it enacted the Maine Indian Claims Settlement Act.

If the language the Senator authored was to be enacted into law, would this in any way change the relationship of the State of Maine and the tribes of Maine?

Mr. TESTER. No. I understand that the Maine Indian Claims Settlement Act not only recognized the uniqueness and significance of that jurisdictional arrangement but specifically provided that, following the enactment of the Settlement Act, no future congressional legislation would in any way alter or affect that arrangement unless Congress specifically so provided. This requirement is set forth in Title 25, Section 1735, of the United States Code.

Ms. COLLINS. Did the Senator take Section 1735 into account in his drafting of this legislation?

Mr. TESTER. Yes. I understood that, given the requirement that Section 1735 imposed on Congress, this provision would not and should not apply within or to the State of Maine unless Congress specifically so provided. Knowing that Section 1735 operated to that effect, I did not include specific language making this legislation inapplicable to Maine, as such language was unnecessary. Our Senate colleagues should understand that this legislation in no way supersedes Section 1735.

Ms. COLLINS. Did my colleague also consider the unique foundation for the Maine Indian Claims Settlement Act and the Maine Implementing Act, as well as the subsequent acts for the Houlton Band and the Aroostook Band?

Mr. TESTER. Yes, I understood that the Maine Indian Claims Settlement Act and the Maine Implementing Act constitute statutory settlement documents. Therefore, our colleagues should understand that the current legislation respects the intent of the parties to Maine's historic and complex settlement and does not in any way disturb the settlement agreement or the statutory construct on which that settlement rests.

The intent of this legislation is to improve communication, response times, and recovery of disasters in Indian Country while better respecting tribal sovereignty. I understand that tribes in Maine have a unique relationship with the State of Maine and nothing in this Act should be interpreted to change or degrade that relationship.

This legislation, if enacted into law, would in no way change the relationship between the State of Maine and the tribes of Maine. That means that, even after the enactment of this legislation, if any of the tribes of Maine wished to obtain a declaration from the President that a major disaster existed, they would have to bring their request to the Governor of Maine, who would have to consider the request in accordance with existing standards and procedures but who would retain the discretion to deny that request.

Ms. COLLINS. I appreciate the time and attention of my colleague from Montana, Senator TESTER, regarding the intent of this language, as well as the care that he took in crafting this legislation.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO SHERIFF MEARL JUSTUS

Mr. DURBIN. Mr. President, my home county of St. Clair, IL, lost a dedicated public servant this week. Mearl Justus—aptly named ''justice''—passed away Tuesday at the age of 81. He had retired only 1 week earlier after serving eight terms as St. Clair County sheriff.

Mearl Justus was a legend. He was funny, he was innovative, and he was a creative thinker who was always looking for new and better ways to run his department. Above all, he was deeply dedicated to the people he served in the county.

An editorial in the Belleville News-Democrat described him as ''a 6 feet 2 inch teddy bear with a sailor's vocabulary and a hero's heart. He was gruff. He was endearing. He was a champion, rescuing us from the bad guys for 60 years.'' What an epitaph.

He got off to a rocky start in life. He was 19 months old when his dad died, and he was raised by his grandparents. He was a high school dropout in 1953 when the mayor of Cahokia, IL, suggested he join the local police force. That is how the aptly named Mr. Justus began his nearly 60-year-long career in law enforcement.

He started as a part-time officer in the Cahokia Police Department. He earned his GED and went on to earn an associate's degree at Southwestern Illinois College in Belleville and then earned a bachelor's degree in criminal justice. He advanced quickly up the ranks and served as Cahokia's police chief for 22 years. He ran for sheriff of St. Clair County in 1983 and won—his first run for elective office. He would be reelected seven times, never losing an election, and nobody came close.

Sheriff Justus loved his job and loved having fun. One of the most legendary tales of his years as sheriff was when he sent notices to several hundred fugitives from justice telling them they had won a free pair of sneakers from the fictional Nabbir Shoestore. When the scofflaws turned up to claim their sneakers, the sheriff's department locked them up. The department made over 50 arrests that day and 1 the next despite the fact that the prior day's arrests had been widely reported in the news.

He closed up shop with a sign that read: ''Closed. Catch ya next time.'' He once explained to a reporter, ''In this business, to keep from going off the deep end, you need that humor.''

Mearl Justus didn't drink or smoke and rarely carried a gun because he said it was bulky and ''it tears my clothes up.''

He sold advertising space on patrol cars and put public service announcements on their fenders. He provided jail inmates with a garden to grow vegetables. The prisoners grew their produce and gave any extra to local nursing homes.

Sheriff Justus was so dedicated to his work that he and his wife Audrey lived for years in a three-bedroom apartment above the county jail. He said he figured that is where he was needed. At first, the couple found the routine cell checks a little disturbing, but they grew fond of their living arrangement and even raised a granddaughter in their apartment.

Over the course of his six decades of public service, Mearl Justus established several programs for local schools, including Stranger Danger awareness training. He also introduced the D.A.R.E. Program in the St. Clair schools long before others had it.

Sheriff Justus's success and dedication were widely admired by his peers, who elected him president of the Illinois Sheriffs' Association. He was also chairman of the board of his region's Major Case Squad.

In recent years Sheriff Justus led efforts to combat crime and vandalism on MetroLink trains, the county's light rail transit system, making the system safer for those who depend on it. That is where I came to know him. You see, this MetroLink is a light rail train service that has been one of the most popular things that has happened in that region. I grew up in that region. I used to kid my friends from St. Louis that I grew up in a suburb known as East St. Louis, and they all laughed because nobody considers Illinois to be part of St. Louis.

Well, it turned out that station in East St. Louis for MetroLink was a critical part of the political agreement that led to the creation of this important light rail system. But we had a problem. East St. Louis has been notoriously dangerous for years, and there was a question: How in the world could we expect anybody to wait at the train station with all the dangerous street crime in East St. Louis?

Mearl Justus stepped up. His St. Clair County Sheriff's Department provided the protection that was needed to establish that MetroLink station in my hometown of East St. Louis and to give people the peace of mind that if they wanted to board or leave a train or park their car there, there would always be reliable law enforcement. Mearl Justus showed the way for many of us when we couldn't think of how to resolve this quandary. That is the kind of problemsolver he was.

Mearl Justus had an amazing sense of humor. For many years, his own Web site featured the sheriff wearing a sombrero and a boast that any local event featuring Mearl Justus as the master of ceremonies would draw twice as many people.

He cared deeply about the people. He hosted ''Slumber in the Slammer'' fundraisers for a women's crisis center, allowing people to sleep in the jail in exchange for a donation to the local crisis center. He once arranged cataract surgery for a woman whose savings had been stolen.

He said he looked forward to coming to work every day and wanted people to think of him as an honest, people-oriented public official. He is going to be remembered for that and so much more. Mearl Justus made St. Clair County not just a safer place but a better place. I am honored to have known him. He was a fun person to be around, but you knew that when it came to his job, he took it very, very seriously.

My wife Loretta and I send our condolences to his wife Audrey, his daughters Kay and Debra; and his three granddaughters and three great-grandchildren.

RETIREMENT OF ILLINOIS STATE SENATOR JEFFREY M. SCHOENBERG

Mr. DURBIN. Mr. President, I rise today to honor my friend, Illinois State Senator Jeff Schoenberg, on his more than two decades of service in the Illinois General Assembly.

Jeff was elected to the Illinois House in 1990 at the age of 30. He served six terms there before being elected to the Illinois Senate in 2003, where he rose through the ranks, serving as assistant majority leader, chairman on the Commission on Government Forecasting and Accountability, and vice chairman of the Appropriations Committee. More importantly, Jeff Schoenberg has been a dedicated public servant to his constituents in Evanston and to the people of Illinois for 22 years.

During his time in the Illinois General Assembly, Jeff sponsored a bill that would provide better access to quality health care and give consumers the opportunity to make better choices for their health. He also secured more than $5 billion in Federal funds for safety net hospitals such as Mount Sinai, Mercy, and Holy Cross.

Jeff Schoenberg supported the Illinois Safe Choice Zones Act, which helped pave the way for Illinois' pioneering work in stem cell research, and insisted on greater accountability and oversight at the Illinois State Toll Highway Authority.

A father of two himself, Jeff was critical to the passage of a measure allowing schools to keep and administer epinephrine for anaphylactic shock following the death of a 13-year-old girl from Chicago who had an allergic reaction to peanut oil while at school.

Jeff also understood foreign policy issues, including support for legislation to divest State pension funds from foreign countries doing business with Iran and drawing attention to the genocide in Cambodia. Jeff visited Cambodia last month as part of a delegation representing the U.S. Holocaust Memorial Museum.

Incoming State Senator Daniel Biss will have large shoes to fill given how well Jeff has served the Illinois Senate's Ninth District. Since the outset of his political career, Jeff has been inspired by the likes of Congressman and Federal Judge Abner Mikva and U.S. Senator PAUL SIMON, for whom he and I both worked.

Jeff's dedication to service now takes on a new focus in improving the lives

of children and families through an expanded role advising the J.B. and M.K. Pritzker Family Foundation on its philanthropic endeavors. His approach to this work is made clear by something he said just last year:

My position in the Senate is only one point of entry into public service.

As Jeff moves into his new role, I can only say to him: Thanks for being my friend and my ally in so many good causes. While you may be retiring from the Illinois State Senate, your constituents and I know that you will never retire from working for the public good.

Thanks to Jeff Schoenberg and his family for all they have given to our State.

MAYOR JOHN REDNOUR

Mr. DURBIN. Mr. President, I wish to take a moment to wish Mayor John Rednour of Du Quoin, IL, a happy 78th birthday and to thank him as he prepares to retire after so many great years of public service to his town and Illinois.

John Rednour, known to most people as simply Rednour, has served as mayor of Du Quoin since 1989. Public service was his third career. He started work as an ironworker, a member of the United Ironworkers. He worked on projects in St. Louis and in Chicago and served as site superintendent during construction of the U.S. Federal penitentiary in Marion.

In 1970 John moved to Du Quoin with his wife Wanda and three kids. In the early 1980s John began his second career when he and some local shareholders took control of the Du Quoin State Bank, converting it into a community bank that served downstate Illinois. Today the bank stands as one of the strongest in our State, and John remains the bank's chairman.

But it was John Rednour's work as mayor of Du Quoin that really distinguished his public service. In his 23 years as mayor, he focused on balancing the city's budget and investing in its infrastructure. His legacy to Du Quoin includes construction of the Poplar Street overpass—a major thoroughfare for travel on Highway 51 through southern Illinois—improved water service and the development of an industrial park. He managed to do all of this with a balanced budget, creating new opportunities for his community even in tough times.

He is a member of the five-person Illinois State Police Merit Board and a proud Democrat, I might add, but he knows there are some things that need to be done on a bipartisan basis. He has made it his habit to meet with the Du Quoin city council members and offered to take advice from each and every one of them. He told them to always vote for what is good for Du Quoin.

Loretta and I consider ourselves lucky to count John and Wanda Rednour among our friends. We have many happy memories of State fair parties at the Rednour home during our trips to the Du Quoin State Fair. Loretta and I have been regular visitors to Rednour's home and have warm memories of staying overnight after the fair party and having Wanda greet us at breakfast with her so-called Texas pancakes—and they could fit in the State of Texas.

As a labor leader, businessman, mayor, husband, and father, John Rednour has contributed enormously to Du Quoin, downstate Illinois, and to our entire State and Nation. While his day-to-day presence in city hall is going to be missed, residents of Du Quoin can take comfort in knowing that John Rednour's leadership is still in their community, with a strong foundation and a bright future.

In addition to three children, John and Wanda are blessed with five grandchildren and five great-grandchildren, who I am sure are going to be glad to have more time with John and Wanda now.

I thank John for his many years of distinguished public service. Loretta and I wish him and his family all the best in retirement. We look forward to many more stories and more pancakes in the years to come.

THE S.S. BADGER

Mr. DURBIN. Mr. President, Chicagoans were asked in a recent poll to identify the one asset in the city of Chicago that meant the most to them. The overwhelming vote was for Lake Michigan—not surprising.

Lake Michigan is the primary source of drinking water for more than 10 million people—not just in my State of Illinois but in Wisconsin, Indiana, and Michigan. It supports a multibillion-dollar fishing industry that is important to local economies. And it is beautiful. It is a recreational asset for swimming, kayaking, boating, or just taking a walk along the beach. It is a gorgeous lake.

I always look forward to getting up to Chicago. We have a condo that overlooks Lake Michigan that I consider to be a great place to sit and just look at this beautiful lake and what happens on it, whether I am drinking a cup of coffee in the morning with my wife or a glass of wine in the evening.

But, unfortunately, the health of our great Lake Michigan is threatened every summer when a coal-burning ferry boat dumps tons of coal ash into the lake every day, all summer long.

Meet the S.S. Badger. Many people have fond memories of this boat, the S.S. Badger, steaming from its homeport of Ludington, MI, to Manitowac, WI, every summer. But they need to be reminded of one thing: The S.S. Badger is the last coal-fired ferry in the United States, and there is a reason it is the last one.

Every year, based on the estimates given to us by the company, this boat dumps 600-plus tons of coal ash into Lake Michigan—600-plus tons every year since 1953. That is their record. What does that do to Lake Michigan? In the 59 years the S.S. Badger has been in operation, it has discharged a conservative estimate of 35,400 tons of coal ash into Lake Michigan. That is enough to coat the entire floor of Lake Michigan with a layer of ash 2½ inches thick.

A recent article in the Chicago Tribune did a comparison of the amount of coal ash discharged from the Badger to the dry cargo residue discharged by all other vessels operating on Lake Michigan. Here is what they found:

Fifty U.S. ships and 70 Canadian ships on Lake Michigan are responsible for a combined total of 89 tons of solid waste dumped every year. That is 120 ships, 89 tons in a year. The Badger by itself is responsible for almost 6 times more waste than these 120 vessel combined, even when using the most conservative estimate of what the Badger dumps overboard during the course of a summer.

Yesterday the EPA vessel general permit that has enabled the coal-fired car ferry S.S. Badger to discharge coal ash into Lake Michigan expired. The owner of the Badger insists that the coal ash is basically just sand. We know better.

Scientists are concerned about coal ash because it contains such things as arsenic, lead, and mercury. Once in the lake, these chemicals enter the food chain through the water we drink and the fish we eat, and then they accumulate in our bodies and are associated with cancer and reproductive and neurological damage. We know how dangerous mercury contamination in fish is to human health.

Well, it is time for the S.S. Badger to stop adding to the problem and either clean up its operation or close it down. If the Badger's owners had only recently realized that dumping coal ash was a problem, it might be OK to cut them some slack. But the Badger's owners have a long history of avoiding the steps needed to clean up their act.

Most other vessels of the Great Lakes converted from coal to diesel fuel before the Badger made its first voyage. In 2008, when conversion to a new fuel was way overdue, the Bush administration granted the ferry a waiver to continue dumping coal ash through 2012. That was 5 years too many of toxic dumping by this boat, but to make matters worse, the Badger's owners still have not made any reasonable efforts to stop dumping coal ash in the lake.

Now they are attempting to persuade the EPA to give them just 5 more years to take a look at this problem. After I came out in opposition to this 5-year extension, the Badger's owner asked to meet me in my office. I, of course, agreed. He said he was applying for an EPA permit to continue dumping coal ash while he looks for ways to convert the Badger to run on liquefied natural gas. He wanted to make the Badger, he

said, the greenest vessel on the Great Lakes. What a great idea, I thought. But it turns out it isn't even close to being realistic.

Today there are few suppliers of liquefied natural gas in the area. There are no shipyards in the United States that are qualified to convert passenger vessels to run on liquefied natural gas. And it would take close to $50 million just to develop the infrastructure on the land needed to transport fuel to the dock for the Badger.

One day, all the boats on Great Lakes might be powered by natural gas, but that isn't a realistic plan right now or within the next few years. It is just another delaying tactic from the owners of the S.S. Badger. These owners were given a deadline to convert the ship's fuel or dispose of the ash in a responsible way 5 years ago. The Badger has blatantly avoided complying with these EPA regulations.

There has been an effort in the House of Representatives to provide a special exemption for this filthy boat on Lake Michigan forever. They want them declared some sort of a national historic monument or something and say that it shouldn't be governed by environmental regulations.

These are Congressmen whose districts are on Lake Michigan. I have to ask them, what do you think about the lake and its future, when this boat is responsible for six times the solid waste of all the other ships that use Lake Michigan in commerce on an annual basis? Six times. That to me is a horrible thing to continue.

They have had plenty of time to clean up their act and they failed. Now we have to get serious. I am hoping the EPA decides very quickly that it is time to end the coal-fired ferry tradition of the S.S. Badger. This is a vessel that generates and dumps 5 tons of coal ash laced with mercury, lead, and arsenic into Lake Michigan every single day. This great lake cannot take any more toxic dumping, no matter how historic or quaint the source may be.

LETTERS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES RE: MEDICAL DEVICE USER FEE PROGRAM

Mr. HARKIN. Mr. President, I ask unanimous consent that, pursuant to Public Law 112–144, the Food and Drug Administration Safety and Innovation Act, the following letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives be printed into the RECORD.

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

MDUFA PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures agreed to by the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) of the United States Food and Drug Administration (''FDA'' or ''the Agency'') for the medical device user fee program in the Medical Device User Fee Amendments of 2012, are summarized below.

FDA and the industry are committed to protecting and promoting public health by providing timely access to safe and effective medical devices. Nothing in this letter precludes the Agency from protecting the public health by exercising its authority to provide a reasonable assurance of the safety and effectiveness of medical devices. Both FDA and the industry are committed to the spirit and intent of the goals described in this letter.

I. PROCESS IMPROVEMENTS

A. Pre-Submissions

FDA will institute a structured process for managing Pre-Submissions. Pre-Submissions subject to this process are defined in Section VIII, Definitions and Explanations of Terms. The Agency will continue to improve the Pre-Submission process as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations. FDA will issue a draft guidance document and final guidance document on Pre-Submissions.

Upon receipt of a Pre-Submission that requests feedback through a meeting or teleconference, FDA intends to schedule the meeting or teleconference to occur within a timely manner. In the Pre-Submission, the applicant will provide at least three suggested dates and times when the applicant is available to meet.

It is FDA's intent that within 14 calendar days of receipt of a request for a meeting or teleconference, FDA will determine if the request meets the definition of a Pre-Submission, and will inform the applicant if it does not meet the definition. FDA will also determine if the request necessitates more than one meeting or teleconference. A determination that the request does not meet the definition of a Pre-Submission will require the concurrence of the branch chief and the reason for this determination will be provided to the applicant. If the request meets the definition of a Pre-Submission, FDA and the applicant will set a mutually agreeable time and date for the meeting.

At least 3 business days prior to the meeting, FDA will provide initial feedback to the applicant by email, which will include: written responses to the applicant's questions; FDA's suggestions for additional topics for the meeting or teleconference, if applicable; or, a combination of both. If all of the applicant's questions are addressed through written responses, to the applicant's satisfaction, FDA and the applicant can agree that a meeting or teleconference is no longer necessary and the written responses provided by email will be considered the final written feedback to the Pre-Submission.

Meetings and teleconferences related to Pre-Submission will generally be limited to 1 hour. A longer meeting or teleconference time can be scheduled by mutual agreement by the applicant and FDA.

Applicants will be responsible for developing draft minutes for a Pre-Submission meeting or teleconference, and provide the draft minutes via email to FDA within 15 calendar days of the meeting. The minutes will summarize the meeting discussions and include agreements and any action items. FDA will provide any edits to the draft minutes to the applicant via email within a timely manner. These minutes will become final 15 calendar days after the applicant receives FDA's edits, unless the applicant indicates that there is a disagreement with how a significant issue or action item has been documented. In this case, within a timely manner, the applicant and FDA will conduct a teleconference to discuss that issue with FDA. At the conclusion of that teleconference, within a timely manner FDA will finalize the minutes either to reflect the resolution of the issue or note that this issue remains a point of disagreement.

FDA intends that feedback the Agency provides in a Pre-Submission will not change, provided that the information submitted in a future investigational device exemption (IDE) or marketing application is consistent with that provided in the Pre-Submission and that the data in the future submission do not raise any important new issues materially affecting safety or effectiveness. Modifications to FDA's feedback will be limited to situations in which FDA concludes that the feedback does not adequately address important new issues materially relevant to a determination of safety or effectiveness. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

B. Submission Acceptance Criteria

To facilitate a more efficient and timely review process, FDA will implement revised submission acceptance criteria. The Agency will publish guidance outlining electronic copy of submissions (e-Copy) and objective criteria for revised ''refuse to accept/refuse to file'' checklists. FDA will publish draft and final guidance prior to implementation.

C. Interactive Review

The Agency will continue to incorporate an interactive review process to provide for, and encourage, informal communication between FDA and applicants to facilitate timely completion of the review process based on accurate and complete information. Interactive review entails responsibilities for both FDA and applicants. As described in the guidance document, *Interactive Review for Medical Device Submissions: 510(k)s, Original [Premarket Approvals] PMAs, PMA Supplements, Original BLAs, and BLA Supplements*, both FDA and industry believe that an interactive review process for these types of premarket medical device submissions should help facilitate timely completion of the review based on accurate and complete information. Interactive review is intended to facilitate the efficient and timely review and evaluation by FDA of premarket submissions. The interactive review process contemplates increased informal interaction between FDA and applicants, including the exchange of scientific and regulatory information.

D. Guidance Document Development

FDA will apply user fee revenues to supplement the improvement of the process of developing, reviewing, tracking, issuing, and updating guidance documents. The Agency will continue to develop guidance documents and improve the Guidance Development process as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations.

FDA will update its website in a timely manner to reflect the following:

1. The Agency's review of previously published device guidance documents, including the deletion of guidance documents that no longer represent the Agency's interpretation of, or policy on, a regulatory issue, and notation of guidance documents that are under review by the Agency;

2. A list of prioritized device guidance documents (an ''A-list'') that the Agency intends to publish within 12 months of the date this list is published each fiscal year; and

3. A list of device guidance documents (a ''B-list'') that the Agency intends to publish, as the Agency's guidance-development resources permit each fiscal year.

The Agency will establish a process allowing stakeholders an opportunity to:

1. Provide meaningful comments and/or propose draft language for proposed guidance topics in the ''A'' and ''B'' lists.

2. Provide suggestions for new or different guidance documents; and

3. Comment on the relative priority of topics for guidance.

E. Third Party Review

The Agency will continue to support the third party review program and agrees to work with interested parties to strengthen and improve the current program while also establishing new procedures to improve transparency. The Agency will continue to improve the third party review program as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations.

F. Patient Safety and Risk Tolerance

FDA will fully implement final guidance on the factors to consider when making benefit-risk determinations in medical device premarket review. This guidance will focus on factors to consider in the premarket review process, including patient tolerance for risk, magnitude of the benefit, and the availability of other treatments or diagnostic tests.

Over the period of MDUFA III, FDA will meet with patient groups to better understand and characterize the patient perspective on disease severity or unmet medical need.

In addition, FDA will increase its utilization of FDA's Patient Representatives as Special Government Employee consultants to CDRH to provide patients' views early in the medical product development process and ensure those perspectives are considered in regulatory discussions. Applicable procedures governing conflicts of interest and confidentiality of proprietary information will be utilized for these consultations.

G. Low Risk Medical Device Exemptions

By the end of FY 2013, FDA will propose additional low risk medical devices to exempt from premarket notification. Within two years of such proposal, FDA intends to issue a final rule exempting additional low risk medical devices from premarket notification.

H. Emerging Diagnostics

FDA will work with industry to develop a transitional In Vitro Diagnostics (IVD) approach for the regulation of emerging diagnostics.

II. REVIEW PERFORMANCE GOALS—FISCAL YEARS 2013 THROUGH 2017 AS APPLIED TO RECEIPT COHORTS

The overall objective of the review performance goals stated herein is to assure more timely access to safe and effective medical devices.

A. Original Premarket Approval (PMA), Panel-Track Supplements, and Premarket Report Applications

The performance goals in this section apply to all Original Premarket Approval, Panel-Track Supplements, and Premarket Report Applications, including those that are accepted for priority review (previously referred to as expedited).

FDA will communicate with the applicant regarding whether the application has been accepted for filing review within 15 calendar days of receipt of the application. This communication consists of a fax, email, or other written communication that (a) identifies the reviewer assigned to the submission, and (b) acknowledges acceptance/rejection of the submission based upon the review of the submission against objective acceptance criteria outlined in a published guidance document.

If the application is not accepted for filing review, FDA will notify the applicant of those items necessary for the application to be considered accepted for filing review.

For those applications that are accepted for filing review, FDA will communicate the filing status within 45 calendar days of receipt of the application.

For those applications that are not filed, FDA will communicate to the applicant the specific reasons for rejection and the information necessary for filing.

If the application is filed, FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of the filing date of the application for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

When FDA issues a major deficiency letter, that letter will be based upon a complete review of the application and will include all deficiencies. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of safety or effectiveness. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs. Issues related to post-approval studies, if applicable, and revisions to draft labeling will typically be addressed through interactive review once major deficiencies have been adequately addressed.

For submissions that do not require Advisory Committee input, FDA will issue a MDUFA decision within 180 FDA Days for: 70% of submissions received in FY 2013; 80% of submissions received in FY 2014 and FY 2015; and 90% of submissions received in FY 2016 and FY 2017.

For submissions that require Advisory Committee input, FDA will issue a MDUFA decision within 320 FDA Days for: 50% of submissions received in FY 2013; 70% of submissions received in FY 2014; 80% of submissions received in FY 2015 and FY 2016; and 90% of submissions received in FY 2017.

If in any one fiscal year, the number of submissions that require Advisory Committee input is less than 10, then it is acceptable to combine such submissions with the submissions for the following year(s) in order to form a cohort of 10 or more submissions, upon which the combined years' submissions will be subject to the performance goal for the fiscal year in question. If the number of submissions that require Advisory Committee input is less than 10 for FY 2017, it is acceptable to combine such submissions with the submissions in the prior year in order to form a cohort of 10 or more submissions; in such cases, FDA will be held to the FY 2017 performance goal for the combined years' submissions.

To facilitate an efficient review prior to the Substantive Interaction, and to incentivize submission of a complete application, submission of an unsolicited major amendment prior to the Substantive Interaction extends the FDA Day review clock by the number of FDA Days that have elapsed. Submission of an unsolicited major amendment after the Substantive Interaction extends the FDA Day goal by the number of FDA Days equal to 75% of the difference between the filing date and the date of receipt of the amendment.

For all PMA submissions that do not reach a MDUFA decision by 20 days after the applicable FDA Day goal, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval, and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA's Performance Reports, as described in Section VI.

B. 180-Day PMA Supplements

FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of receipt of the submission for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

FDA will issue a MDUFA decision within 180 FDA Days for: 85% of submissions received in FY 2013; 90% of submissions received in FY 2014 and FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

C. Real-Time PMA Supplements

FDA will issue a MDUFA decision within 90 FDA Days for: 90% of submissions received in FY 2013 and FY 2014; and 95% of submissions received in FY 2015 through FY 2017.

D. 510(k) Submissions

FDA will communicate with the applicant regarding whether the submission has been accepted for review within 15 calendar days of receipt of the submission. For those submissions that are not accepted for review, FDA will notify the applicant of those items necessary for the submission to be considered accepted.

This communication includes a fax, email, or other written communication that a) identifies the reviewer assigned to the submission, and b) acknowledges acceptance/rejection of the submission based upon the review of the submission against objective acceptance criteria outlined in a published guidance document. This communication represents a preliminary review of the submission and is not indicative of deficiencies that may be identified later in the review cycle.

FDA will communicate with the applicant through a Substantive Interaction within 60 calendar days of receipt of the submission for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

Deficiencies identified in a Substantive Interaction, such as a telephone/email hold or Additional Information Letter, will be based upon a complete review of the submission and will include all deficiencies. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of substantial equivalence. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

For submissions received in FY 2013, FDA will issue a MDUFA decision for 91% of 510(k) submissions within 90 FDA Days.

For submissions received in FY 2014, FDA will issue a MDUFA decision for 93% of 510(k) submissions within 90 FDA Days.

For submissions received in FY 2015 through FY 2017, FDA will issue a MDUFA decision for 95% of 510(k) submissions within 90 FDA Days.

For all 510(k) submissions that do not reach a MDUFA decision within 100 FDA

Days, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval, and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA's Performance Reports, as described in Section VI.

E. Clinical Laboratory Improvement Amendments (CLIA) Waiver by Application

FDA will engage in a Substantive Interaction with the applicant within 90 days for 95% of the applications.

During the pre-submission process, if the applicant informs FDA that it plans to submit a dual submission (510(k) and CLIA Waiver application), FDA will issue a decision for 90% of such applications within 210 FDA days.

For ''CLIA Waiver by application'' submissions FDA will issue a MDUFA decision for 95% of the applications that do not require Advisory Committee input within 180 FDA days.

For ''CLIA Waiver by application'' submissions FDA will issue a MDUFA decision for 95% of the applications that require Advisory Committee input within 330 FDA days.

To provide greater transparency, FDA will issue guidance regarding review and management expectations throughout the entire submission process.

F. Original Biologics Licensing Applications (BLAs)

FDA will review and act on standard original BLA submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority original BLA submissions within 6 months of receipt for 90% of submissions.

G. BLA Efficacy Supplements

FDA will review and act on standard BLA efficacy supplement submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority BLA efficacy supplement submissions within 6 months of receipt for 90% of submissions.

H. Original BLA and BLA Efficacy Supplement Resubmissions

FDA will review and act on Class 1 original BLA and BLA efficacy supplement resubmissions within 2 months of receipt for 90% of submissions.

FDA will review and act on Class 2 original BLA and BLA efficacy supplement resubmissions within 6 months of receipt for 90% of submissions.

I. BLA Manufacturing Supplements Requiring Prior Approval

FDA will review and act on BLA manufacturing supplements requiring prior approval within 4 months of receipt for 90% of submissions.

III. SHARED OUTCOME GOALS

The program and initiatives outlined in this document are predicated on significant interaction between the Agency and applicants. FDA and representatives of the medical device industry agree that the process improvements outlined in this letter, when implemented by all parties as intended, should reduce the average Total Time to Decision for PMA applications and 510(k) submissions, provided that the total funding of the device review program adheres to the assumptions underlying this agreement. FDA and applicants share the responsibility for achieving this objective of reducing the average Total Time to Decision, while maintaining standards for safety and effectiveness. Success of this program will require the cooperation and dedicated efforts of FDA and applicants to reduce their respective portions of the total time to decision.

FDA will be reporting total time performance quarterly as described in Section VI. FDA and industry will participate in the independent assessment of progress toward this outcome, as described in Section V above. As appropriate, key findings and recommendations from this assessment will be implemented by FDA.

A. PMA

Beginning in Fiscal Year 2013, FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the three most recent closed receipt cohorts. For submissions received beginning in Fiscal Year 2013, the average Total Time to Decision goal for FDA and industry is 395 calendar days. For submissions received beginning in Fiscal Year 2015, the average Total Time to Decision goal for FDA and industry is 390 calendar days. For submissions received beginning in Fiscal Year 2017, the average Total Time to Decision goal for FDA and industry is 385 calendar days.

B. 510(k)

Beginning in Fiscal Year 2013, FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the most recent closed receipt cohort. For submissions received beginning in Fiscal Year 2013, the average Total Time to Decision goal for FDA and industry is 135 calendar days. For submissions received beginning in FY 2015, the average Total Time to Decision goal for FDA and industry is 130 calendar days. For submissions received beginning in FY 2017, the average Total Time to Decision goal for FDA and industry is 124 calendar days.

IV. INFRASTRUCTURE

A. Scientific and Regulatory Review Capacity

The Agency will apply user fee revenues to reduce the ratio of review staff to front line supervisors in the Pre-Market review program and to enhance and supplement scientific review capacity by hiring device application reviewers and leveraging external experts needed to assist with the review of device applications.

The Agency will seek to obtain streamlined hiring authority for all MDUFA-related positions prior to and during the MDUFA III period.

During MDUFA III, FDA will also work with industry to benchmark best practices for retaining employees (both financial and non-financial).

B. Training

Prior to the commencement of MDUFA III, CDRH will implement its Reviewer Certification Program. FDA commits to holding a minimum of two medical device Vendor Days each year.

CDRH will apply user fee revenues to supplement the following training programs:

1) Management training for Branch Chiefs and Division Directors.

2) MDUFA III Training Program for all staff.

3) Reviewer Certification Program for new CDRH reviewers. FDA will publish the curriculum of this program and other course offerings. FDA will consider comments from stakeholders when making updates to courses and determining course offerings.

4) Specialized training to provide continuous learning for all staff.

C. Tracking System

FDA will continue efforts to improve its IT systems with a future expectation of facilitating availability of real-time status information for submissions.

V. INDEPENDENT ASSESSMENT OF REVIEW PROCESS MANAGEMENT

FDA and the device industry will participate in a comprehensive assessment of the process for the review of device applications. The assessment will include consultation with both FDA and industry. The assessment shall be conducted in two phases under contract to FDA by a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to address the assessment scope described below. For Phase 1, FDA will award the contract no later than the end of the second quarter of FY13. Findings on high-priority recommendations (i.e., those likely to have a significant impact on review times) will be published within six months of award; final comprehensive findings and recommendations will be published within 1 year of contract award. FDA will publish an implementation plan within 6 months of receipt of each set of recommendations. For Phase 2 of the independent assessment, the contractor will evaluate the implementation of recommendations and publish a written assessment no later than February 1, 2016.

The assessment will address FDA's premarket review process using an assessment framework that draws from appropriate quality system standards, including, but not limited to, management responsibility, document controls and records management, and corrective and preventive action.

The scope of the assessment will include, but not be limited to, the following areas:

1. Identification of process improvements and best practices for conducting predictable, efficient, and consistent premarket reviews that meet regulatory review standards.

2. Analysis of elements of the review process (including the Pre-Submission process, IDE, 510(k) and PMA reviews) that consume or save time to facilitate a more efficient process. This includes analysis of root causes for inefficiencies that may affect review performance and total time to decision. This will also include recommended actions to correct any failures to meet MDUFA goals. Analysis of the review process will include the impact of combination products, companion diagnostics products, and laboratory developed tests on the review process.

3. Assessment of FDA methods and controls for collecting and reporting information on premarket review process resource use and performance.

4. Assessment of effectiveness of FDA's Reviewer Training Program implementation.

5. Recommendations for ongoing periodic assessments and any additional, more detailed or focused assessments.

FDA will incorporate findings and recommendations, as appropriate, into its management of the premarket review program. FDA will analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and assure its effectiveness. FDA also will incorporate the results of the assessment into a Good Review Management Practices (GRMP) guidance document. FDA's implementation of the GRMP guidance will include initial and ongoing training of FDA staff, and periodic audits of compliance with the guidance.

VI. PERFORMANCE REPORTS

The Agency will report its progress toward meeting the goals described in this letter, as

follows. If, throughout the course of MDUFA III, the Agency and Industry agree that a different format or different metrics would be more useful, the reporting will be modified accordingly as per the agreement of both FDA and Industry.

1. Quarterly reporting at the CDRH Division level/CBER Center level (in recognition of the significantly smaller number of submissions reviewed at CBER):

1.1. For 510(k) submissions, reporting will include:

i. Average and quintiles of the number of calendar days to Substantive Interaction

ii. Average, and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision

iii. Average number of review cycles.

iv. Rate of submissions not accepted for review

1.2. For PMA submissions, reporting will include:

i. Average and quintiles of the number of calendar days to Substantive Interaction for Original PMA, Panel-Track PMA Supplement, and Premarket Report Submissions

ii. Average and quintiles of the of FDA Days, Industry Days, and Total Days to a MDUFA decision

iii. Rate of applications not accepted for filing review, and rate of applications not filed

1.3. For Pre-Submissions, reporting will include:

i. Number of all qualified Pre-Submissions received

ii. Average and quintiles of the number of calendar days from submission to meeting or teleconference (if necessary)

iii. Number of Pre-Submissions that require a meeting

1.4. For IDE applications, reporting will include:

i. Number of original IDEs received

ii. Average number of amendments prior to approval or conditional approval of the IDE (this information will be provided beginning no later than the quarter that starts 10/1/2013)

2. CDRH will report quarterly, and CBER will report annually, the following data at the Center level:

2.1. Rate of NSE decisions for 510(k) submissions

2.2. Rate of withdrawals for 510(k) and PMA submissions

2.3. Rate of Not Approvable decisions for PMA submissions

2.4. Key product areas or other issues that FDA identifies as noteworthy because of a potential effect on performance, including significant rates of Additional Information requests

2.5. Specific topic or product area as it relates to performance goals, agreed upon at the previous meeting

2.6. Number of submissions that missed the goals and the total number of elapsed calendar days broken down into FDA days and industry days

2.7. Newly released draft and final guidance documents, and status of other priority guidance documents

2.8. Agency level summary of fee collections

2.9. Independent assessment implementation plan status

2.10. Results of independent assessment and subsequent periodic audits and progress toward implementation of the recommendations and any corrective action

2.11. Number of discretionary fee waivers or reductions granted by type of submission

3. In addition, the Agency will provide the following information on an annual basis:

3.1. Qualitative and quantitative update on how funding is being used for the device review process, including the percentage of review time devoted to direct review of applications

3.2. How funding is being used to enhance scientific review capacity

3.3. The number of Premarket Report Submissions received

3.4. Summary information on training courses available to CDRH and CBER employees, including new reviewers, regarding device review and the percentage of applicable staff that have successfully completed each such course. CDRH will provide information concerning any revisions to the new reviewer training program curriculum.

3.5. Performance on the shared outcome goal for average Total Time to decision

3.6. For 510(k) submissions, reporting will include:

i. Number of submissions reviewed by a Third Party

ii. Number of Special Submissions

iii. Number of Traditional Submissions

iv. Average and number of days to Accept/Refuse to Accept

v. Number of Abbreviated Submissions

3.7. For PMA submissions, reporting will include the number of the following types of PMA submissions received:

i. Original PMAs

ii. Priority PMAs

iii. Premarket Reports

iv. Panel-Track PMA Supplement

v. PMA Modules

vi. 180-Day PMA Supplements

vii. Real-Time PMA Supplements

3.8. For De Novo Classification Petitions, reporting will include:

i. Number of submissions received

ii. Average number of calendar days to a MDUFA decision

3.9. For CLIA waiver applications, reporting will include:

i. Number of CLIA waiver applications received

ii. Average and quintiles of the number of calendar days to Substantive Interaction

iii. Average and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision and a discussion of any trends in the data

VII. DISCRETIONARY WAIVER

The Agency will seek authority to grant discretionary fee waivers or reductions in the interest of public health. Notwithstanding any fee waivers or reductions granted by the Agency under this discretionary authority, FDA remains committed to meeting the goals described in this letter. Any submission subject to a fee waiver or reduction under this discretionary authority shall not be subject to the goals specified in this letter and shall be reviewed by the Agency as resources permit. This discretionary authority will expire at the end of MDUFA III.

VIII. DEFINITIONS AND EXPLANATIONS OF TERMS

A. Applicant

Applicant means a person who makes any of the following submissions to FDA: an application for premarket approval under section 515; a premarket notification under section 510(k); an application for investigational device exemption under section 520(g); a Pre-Submission; a CLIA waiver application.

B. Electronic Copy (e-Copy)

An electronic copy is an exact duplicate of a paper submission, created and submitted on a CD, DVD, or in another electronic media format that FDA has agreed to accept, accompanied by a copy of the signed cover letter and the complete original paper submission. An electronic copy is not considered to be an electronic submission.

C. FDA Days

FDA Days are those calendar days when a submission is considered to be under review at the Agency for submissions that have been accepted (510(k)) or filed (PMA). FDA Days begin on the date of receipt of the submission or of the amendment to the submission that enables the submission to be accepted (510(k)) or filed (PMA).

D. MDUFA Decisions

Original PMAs: Decisions for Original PMAs are Approval, Approvable, Approvable Pending GMP Inspection, Not Approvable, Withdrawal, and Denial.

180-Day PMA Supplements: Decisions for 180-Day PMA Supplements include Approval, Approvable, and Not Approvable.

Real-Time PMA Supplements: Decisions for Real-Time PMA supplements include Approval, Approvable, and not Approvable.

510(k)s: Decisions for 510(k)s are substantially equivalent (SE) or not substantially equivalent (NSE).

Submissions placed on Application Integrity Program Hold will be removed from the MDUFA cohort.

E. Pre-Submission

A Pre-Submission includes a formal written request from an applicant for feedback from FDA which is provided in the form of a formal written response or, if the manufacturer chooses, a meeting or teleconference in which the feedback is documented in meeting minutes. A Pre-Submission meeting is a meeting or teleconference in which FDA provides its substantive feedback on the Pre-Submission.

A Pre-Submission provides the opportunity for an applicant to obtain FDA feedback prior to intended submission of an investigational device exemption or marketing application. The request must include specific questions regarding review issues relevant to a planned IDE or marketing application (e.g., questions regarding pre-clinical and clinical testing protocols or data requirements). A Pre-Submission is appropriate when FDA's feedback on specific questions is necessary to guide product development and/or application preparation.

The following forms of FDA feedback to applicants are not considered Pre-Submissions. However, if the requested feedback meets the criteria for a Pre-Submission, outlined above, FDA will contact the sponsor, and with the concurrence of the sponsor, may convert the request to a Pre-Submission.

General information requests initiated through the Division of Small Manufacturers, International and Consumer Assistance (DSMICA)

General questions regarding FDA policy or procedures

Meetings or teleconferences that are intended to be informational only, including, but not limited to, those intended to educate the review team on new device(s) with significant differences in technology from currently available devices, or to update FDA about ongoing or future product development, without a request for FDA feedback on specific questions related to a planned submission

Requests for clarification on technical guidance documents, especially where contact is recommended by FDA in the guidance document. However, the following requests will generally need to be submitted as a Pre-Submission in order to ensure appropriate input from multiple reviewers and management: recommendations for device types not specifically addressed in the guidance document; recommendations for nonclinical or clinical studies not addressed in the guidance document; requests to use an alternative means to address recommendations specified in a guidance document.

Phone calls or email messages to reviewers that can be readily answered based on a reviewer's experience and knowledge and do

not require the involvement of a broader number of FDA staff beyond the routine involvement of the reviewer's supervisor and more experienced mentors.

Interactions requested by either the applicant or FDA during the review of a marketing application (i.e., following submission of a marketing application, but prior to reaching an FDA Decision).

F. Substantive Interaction

Substantive Interaction is an email, letter, teleconference, video conference, fax, or other form of communication such as a request for Additional Information or Major Deficiency letters by FDA notifying the applicant of substantive deficiencies identified in initial submission review, or a communication stating that FDA has not identified any deficiencies in the initial submission review and any further minor deficiencies will be communicated through interactive review. An approval or clearance letter issued prior to the Substantive Interaction goal date will qualify as a Substantive Interaction.

If substantive issues warranting issuance of an Additional Information or Major Deficiency letter are not identified, interactive review should be used to resolve any minor issues and facilitate an FDA decision. In addition, interactive review will be used, where, in FDA's estimation, it leads to a more efficient review process during the initial review cycle (i.e., prior to a Substantive Interaction) to resolve minor issues such as revisions to administrative items (e.g., 510(k) Summary/Statement, Indications for Use statement, environmental impact assessment, financial disclosure statements); a more detailed device description; omitted engineering drawings; revisions to labeling; or clarification regarding nonclinical or clinical study methods or data.

Minor issues may still be included in an Additional Information or Major Deficiency letter where related to the resolution of the substantive issues (e.g., modification of the proposed Indications for Use may lead to revisions in labeling and administrative items), or if they were still unresolved following interactive review attempts. Both interactive review and Substantive Interactions will occur on the review clock except upon the issuance of an Additional Information or Major Deficiency Letter which stops the review clock.

G. Total Time to Decision

Total Time to Decision is the number of calendar days from the date of receipt of an accepted or filed submission to a MDUFA decision.

The average Total Time to Decision for 510(k) submissions is calculated as the trimmed mean of Total Times to Decision for 510(k) submissions within a closed cohort, excluding the highest 2% and the lowest 2% of values. A cohort is closed when 99% of the accepted submissions have reached a decision.

The average Total Time to Decision for PMA applications is calculated as the three-year rolling average of the annual Total Times to Decision for applications (for example, for FY2015, the average Total Time to Decision for PMA applications would be the average of FY2013 through FY2015) within a closed cohort, excluding the highest 5% and the lowest 5% of values. A cohort is closed when 95% of the applications have reached a decision.

H. BLA-related Definitions

Review and act on—the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

Class 1 resubmitted applications—applications resubmitted after a complete response letter that includes the following items only (or combinations of these items):

(a) Final printed labeling

(b) Draft labeling

(c) Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)

(d) Stability updates to support provisional or final dating periods

(e) Commitments to perform Phase 4 studies, including proposals for such studies

(f) Assay validation data

(g) Final release testing on the last 1–2 lots used to support approval

(h) A minor reanalysis of data previously submitted to the application (determined by the Agency as fitting the Class 1 category)

(i) Other minor clarifying information (determined by the Agency as fitting the Class 1 category)

(j) Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

Class 2 resubmitted applications—resubmissions that include any other items, including any item that would require presentation to an advisory committee

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FOR FISCAL YEARS 2013 THROUGH 2017

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the fifth authorization of the prescription drug user fee program, are summarized below.

Unless otherwise stated, goals apply to cohorts of each fiscal year (FY).

I. REVIEW PERFORMANCE GOALS

A. NDA/BLA Submissions and Resubmissions[1]

Note: [1] Refer to Section II.A.4 for a description of the review program for NME NDAs and original BLAs.

1. Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60 day filing date.

2. Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60 day filing date.

3. Review and act on 90 percent of standard non-NME original NDA submissions within 10 months of receipt.

4. Review and act on 90 percent of priority non-NME original NDA submissions within 6 months of receipt.

5. Review and act on 90 percent of Class 1 resubmitted original applications within 2 months of receipt.

6. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

B. Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplement within 6 months of receipt.

C. Resubmitted Efficacy Supplements

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

D. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt, and review and act on 90 percent of all other manufacturing supplements within 6 months of receipt.

E. These review goals are summarized in the following tables:

ORIGINAL AND RESUBMITTED APPLICATIONS AND SUPPLEMENTS

Submission cohort	Standard	Priority
NME NDAs and original BLAs	90% in 10 months of the 60 day filing date.	90% in 6 months of the 60 day filing date
Non NME NDAs	90% in 10 months of the receipt date.	90% in 6 months of the receipt date
Class 1 Resubmissions	90% in 2 months of the receipt date.	90% in 2 months of the receipt date
Class 2 Resubmissions	90% in 6 months of the receipt date.	90% in 6 months of the receipt date
Original Efficacy Supplements	90% in 10 months of the receipt date.	90% in 6 months of the receipt date
Class 1 Resubmitted Efficacy Supplements	90% in 2 months of the receipt date.	90% in 2 months of the receipt date
Class 2 Resubmitted Efficacy Supplements	90% in 6 months of the receipt date.	90% in 6 months of the receipt date

	Prior approval	All other
Manufacturing Supplements	90% in 4 months of the receipt date.	90% in 6 months of the receipt date

II. NEW MOLECULAR ENTITY NDA AND ORIGINAL BLA PERFORMANCE GOALS

A. Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs

To promote greater transparency and improve communication between the FDA review team and the applicant, FDA will establish a review model (hereafter referred to as ''the Program'') that will apply to all New Molecular Entity New Drug Applications (NME NDAs) and original Biologics License Applications (BLAs), including applications that are resubmitted following a Refuse-to-File action, received from October 1, 2012, through September 30, 2017.[2] The goal of the Program is to improve the efficiency and effectiveness of the first cycle review process and decrease the number of review cycles necessary for approval, ensuring that patients have timely access to safe, effective, and high quality new drugs and biologics. The Program shall be evaluated by an independent contractor with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs. The parameters of the Program are as follows:

Note: [2] The decision as to whether the application is included or excluded from the Program is distinct from FDA's determination as to whether the drug product contains a ''new chemical entity,'' as defined under 21 CFR 314.108(a). Determinations regarding

new chemical entity exclusivity are made at the time of approval of an application.

1. Pre-submission meeting: The applicant is strongly encouraged to discuss the planned content of the application with the appropriate FDA review division at a pre-NDA/BLA meeting

a) The pre-NDA/BLA meeting should be held sufficiently in advance of the planned submission of the application to allow for meaningful response to FDA feedback and should generally occur not less than 2 months prior to the planned submission of the application.

b) At the pre-NDA/BLA meeting, the FDA and the applicant will agree on the content of a complete application for the proposed indication(s), including preliminary discussions on the need for risk evaluation and mitigation strategies (REMS) or other risk management actions. This meeting will be attended by the FDA review team including appropriate senior FDA staff. The agreement and discussions will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

c) At the meeting, the FDA and the applicant may also reach agreement on submission of a limited number of application components not later than 30 calendar days after the submission of the original application. These submissions must be of a type that would not be expected to materially impact the ability of the review team to begin its review. Any such agreement that is reached on delayed submission of application components will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

(1) Examples of application components that may be appropriate for delayed submission include updated stability data (e.g., 15-month data to update 12-month data submitted with the original submission) or the final audited report of a preclinical study (e.g., carcinogenicity) where the final draft report is submitted with the original application.

d) Major components of the application (e.g., the complete study report of a Phase 3 clinical trial or the full study report of required long-term safety data) are expected to be submitted with the original application and are not subject to agreement for late submission.

2. Original application submission: Applications are expected to be complete, as agreed between the FDA review team and the applicant at the pre-NDA/BLA meeting, at the time of original submission of the application. If the applicant does not have a pre-NDA/BLA meeting with FDA, and no agreement exists between FDA and the applicant on the contents of a complete application or delayed submission of certain components of the application, the applicant's submission is expected to be complete at the time of original submission.

a) All applications are expected to include a comprehensive and readily located list of all clinical sites and manufacturing facilities included or referenced in the application.

b) Any components of the application that FDA agreed at the pre-submission meeting could be submitted after the original application are expected to be received not later than 30 calendar days after receipt of the original application.

c) Incomplete applications, including applications with components that are not received within 30 calendar days after receipt of the original submission, will be subject to a Refuse-to-File decision.

(1) Applications that are subject to a Refuse-to-File action, and are subsequently filed over protest, will not be subject to the procedures of the Program, but will instead be subject to the 6 and 10 month review performance goals for priority and standard applications, respectively, as described in Section I.

d) Since applications are expected to be complete at the time of submission, unsolicited amendments are expected to be rare and not to contain major new information or analyses.

(1) Review of unsolicited amendments, including those submitted in response to an FDA communication of deficiencies, will be handled in accordance with the guidance ''Good Review Management Principles and Practices (GRMPs) for PDUFA Products.'' This guidance includes the underlying principle that FDA will consider the most efficient path toward completion of a comprehensive review that addresses application deficiencies and leads toward a first cycle approval when possible.

3. Day 74 Letter: FDA will follow existing procedures and performance goals (see Section III) regarding identification and communication of filing review issues in the ''Day 74 letter.'' For applications subject to the Program, the timeline for this communication will be within 74 calendar days from the date of FDA receipt of the original submission. The planned review timeline included in the Day 74 letter for applications in the Program will include the planned date for the internal mid-cycle review meeting. The letter will also include preliminary plans on whether to hold an Advisory Committee (AC) meeting to discuss the application.

4. Review performance goals: For NME NDA and original BLA submissions that are filed by FDA under the Program, the PDUFA review clock will begin at the conclusion of the 60 calendar day filing review period that begins on the date of FDA receipt of the original submission. The review performance goals for these applications are as follows:

a) Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60 day filing date.

b) Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60 day filing date.

5. Mid-Cycle communication: The FDA Regulatory Project Manager (RPM), and other appropriate members of the FDA review team (e.g., Cross Discipline Team Leader (CDTL)), will call the applicant, generally within 2 weeks following the Agency's internal mid-cycle review meeting, to provide the applicant with an update on the status of the review of their application. Scheduling of the internal mid-cycle review meeting will be handled in accordance with the GRMP guidance. The RPM will coordinate the specific date and time of the telephone call with the applicant

a) The update should include any significant issues identified by the review team to date, any information requests, information regarding major safety concerns and preliminary review team thinking regarding risk management, proposed date(s) for the late-cycle meeting, updates regarding plans for the AC meeting (if an AC meeting is anticipated), and other projected milestones dates for the remainder of the review cycle.

6. Discipline Review (DR) Letters: The FDA review team will follow existing guidance on issuance of DR Letters.

a) Since the application is expected to be complete at time of submission, FDA intends to complete primary and secondary discipline reviews of the application and issue DR letters in advance of the planned late-cycle meeting. In cases where a DR letter is not issued in advance of the planned late-cycle meeting, substantive issues identified to date from that discipline will be communicated in the brief memorandum described in 7(b)(1).

7. Late-Cycle meeting: For all applications included in the review Program, a meeting will be held between the FDA review team and the applicant to discuss the status of the review of the application late in the review cycle.

a) FDA representatives at the late-cycle meeting are expected to include the signatory authority for the application, review team members from appropriate disciplines, and appropriate team leaders and/or supervisors from disciplines for which substantive issues have been identified in the review to date.

b) For applications that will be discussed at an Advisory Committee (AC) meeting, the late-cycle meeting will occur not less than 12 calendar days before the date of the AC meeting. FDA intends to convene AC meetings no later than 3 months (standard review) or no later than 2 months (priority review) prior to the PDUFA goal date.

(1) The Agency briefing package for the late-cycle meeting will consist of the Agency's background package for the AC meeting, which will be sent to the applicant not less than 20 calendar days before the AC meeting, any discipline review letters issued to date, current assessment of the need for REMS or other risk management actions, and a brief memorandum from the review team outlining substantive application issues including potential questions and/or points for discussion for the AC meeting. FDA intends to provide final questions for the AC to the sponsor and the AC 2 calendar days in advance of the AC meeting.

c) For applications that will not be discussed at an AC meeting, the late-cycle meeting will generally occur not later than 3 months (standard review) or two months (priority review) prior to the PDUFA goal date.

(1) The Agency background package for the late-cycle meeting, which will be sent to the applicant not less than 12 calendar days before the meeting, will consist of any discipline review letters issued to date, current assessment of the need for REMS or other risk management actions, and a brief memorandum from the review team outlining substantive application issues.

d) Potential topics for discussion at the late-cycle meeting include major deficiencies identified to date; issues to be discussed at the AC meeting (if planned); current assessment of the need for REMS or other risk management actions; information requests from the review team to the applicant; and additional data or analyses the applicant may wish to submit.

(1) With regard to submission of additional data or analyses, the FDA review team and the applicant will discuss whether such data will be reviewed by the Agency in the current review cycle and, if so, whether the submission will be considered a major amendment and trigger an extension of the PDUFA goal date.

8. Inspections: FDA's goal is to complete all GCP, GLP, and GMP inspections for applications in the Program within 6 months of the date of original receipt for priority applications and within 10 months of the date of original receipt for standard applications. This will allow 2 months at the end of the review cycle to attempt to address any deficiencies identified by the inspections.

9. Quality System: As part of a quality system approach to managing review in the Program, FDA will implement a tracking system that will document review team performance of the key milestones for each of the applications reviewed under the Program.

a) These milestones include: conduct of pre-NDA/BLA meeting and agreement on content of complete application; submission

of any components of the application within 30 calendar days of original application submission (as per pre-NDA/BLA meeting agreement); issuance of the 74-day letter; completion of mid-cycle communication with sponsor; completion of primary and secondary reviews; DR letters issued; exchange of late cycle meeting package; and conduct of late-cycle meeting.

b) The process tracking information will support review management, and inform the subsequent analysis to be conducted by an independent third party (see below). The performance information generated by the tracking system will also be summarized and reported in the PDUFA annual performance report.

B. Assessment of the Program

The Program described in Section IIA shall be evaluated by an independent contractor with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs. The statement of work for this effort will be published for public comment prior to beginning the assessment. The assessments will occur continuously throughout the course of the Program. Metrics for the assessments will include adherence by the applicant and FDA to the current GRMP guidance, submission of a complete application at the time of original submission, number of unsolicited amendments submitted by the applicant, timing and adequacy of Day 74 letters, mid-cycle communications, provision of late-cycle meeting memorandum outlining potential issues and questions for AC meeting consideration and discipline review letters; specific milestones of the Program as described in Section IIA; time to approval; percentage of applications approved on the first review cycle; and the percentage of application reviews extended due to major amendments. Following issuance of an FDA regulatory action at the completion of the first review cycle, the independent contractor will assess the completeness and thoroughness of the submitted application, Day 74 letter, mid-cycle communication, discipline review letters and late-cycle meeting. This assessment will include interviews of the sponsor and members of the review team, as appropriate.

1. Interim Assessment: An interim assessment of the Program will be published by March 31, 2015, for public comment. By June 30, 2015, FDA will hold a public meeting during which public stakeholders may present their views on the success of the Program to date including: improving the efficiency and effectiveness of the first cycle review process; decreasing the number of review cycles ultimately necessary for new drugs and biologics that are approved; and helping to ensure that patients have timely access to safe, effective, and high quality new drugs and biologics. During the public meeting, FDA will discuss the findings of the interim assessment, including anonymized aggregated feedback from sponsors and FDA review teams resulting from independent contractor interviews. FDA will also address any issues identified to date including actions proposed to improve likelihood of success for the program.

2. Final Assessment: A final assessment of the Program will be published by December 31, 2016, for public comment. FDA will hold a public meeting by no later than March 30, 2017, during which public stakeholders may present their views on the success of the Program, including improving the efficiency and effectiveness of the first cycle review process and decreasing the number of review cycles ultimately necessary for new drugs and biologics that are approved. During the public meeting, FDA will discuss the findings of the final assessment, including anonymized aggregated feedback from sponsors and FDA review teams resulting from independent contractor interviews and discuss any issues identified and plans for addressing these issues.

III. FIRST CYCLE REVIEW PERFORMANCE

A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, teleconference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 74 calendar days from the date of FDA receipt of the original submission.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

B. Notification of Planned Review Timelines

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will inform the applicant of the planned timeline for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling, postmarketing requirements, and postmarketing commitments the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 74 calendar days from the date of FDA receipt of the original submission.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding the individual application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of all applications and efficacy supplements.

6. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling, postmarketing requirements, or postmarketing commitments by the target date identified in the planned review timeline (e.g., failure to demonstrate efficacy, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMPs and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, teleconference, facsimile, secure e-mail, or other expedient means.

7. To help expedite the development of drug and biologic products, communication of the deficiencies identified in the application will generally occur through issuance of a DR letter(s) in advance of the planned target date for initiation of discussions regarding labeling, postmarketing requirements, and postmarketing commitments the Agency may request.

8. If the applicant submits a major amendment(s) (refer to Section XVI.B for additional information on major amendments) and the review division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated will generally no longer be applicable. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

If the review division determines that the major amendment will result in an extension of the PDUFA review clock, the review division will communicate to the applicant at the time of the clock extension a new planned review timeline, including a new review timeline for communication of feedback on proposed labeling, postmarketing requirements, and any postmarketing commitments the Agency may request.

In the rare case where the review division determines that the major amendment will not result in an extension of the PDUFA review clock, the review division may choose to retain the previously communicated planned review timeline or may communicate a new planned review timeline to the applicant.

The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable.

For original NME NDA and original BLA applications, the new planned review timeline will include a new planned date for the internal mid-cycle review meeting if appropriate depending on when during the course of review the major amendment(s) is accepted for review.

C. Report on Review Timeline Performance

1. FDA will report its performance in meeting the goals for inclusion of a planned review timeline with the notification of issues identified during the filing review in the annual PDUFA performance report.

2. FDA will report its performance in meeting the planned review timeline for communication of labeling comments, postmarketing requirements, and postmarketing commitment requests in the annual PDUFA performance report. The report will include the percentage of applications for which the planned target dates for communication of labeling comments, postmarketing requirements, and postmarketing commitment requests were met. The report will also note how often the planned review timeline was met based on communication of labeling comments, postmarketing requirements, and postmarketing commitment requests by the target date, and how often such communication did not occur due to FDA's determination that significant deficiencies in the application precluded communication of labeling comments, postmarketing requirements, and postmarketing commitment requests at the time initially projected. Communication of labeling comments, postmarketing requirements, and postmarketing commitment requests, or communication of FDA's determination that significant deficiencies preclude initiation of such discussions that occurs within 7 calendar days of the target date stated in the planned review timeline will be considered to have met the target date. FDA will also report the number of times that the review timelines were inapplicable due to the Agency's decision to review an unsolicited major amendment or a solicited major amendment that did not result in an extension of the review clock (unless the review division chose to retain the previously communicated planned review timeline).

IV. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to

reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

A. Review Performance Goals—Drug/Biological Product Proprietary Names

1. Proprietary names submitted during IND phase (as early as end-of-phase 2)

a) Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

c) If the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

d) A complete submission is required to begin the review clock.

2. Proprietary names submitted with NDA/BLA

a) Review 90% of NDA/BLA proprietary name submissions filed within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (IND phase after end-of-phase 2) and has received tentative acceptance.

c) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

d) If the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

e) A complete submission is required to begin the review clock.

V. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting to allow conformance with advisory committee administrative procedures.

VI. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

VII. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal: 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

VIII. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal Type A meeting, or within 21 calendar days of the Agency's receipt of a request from industry for a formal Type B or Type C meeting (i.e., a scheduled face-to-face, teleconference, videoconference, or written response), CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants. In the case of pre-IND and Type C meeting requests, the sponsor may request a written response to its questions rather than a face-to-face meeting, videoconference or teleconference. In some cases, while the sponsor may request a face-to-face pre-IND or Type C meeting, the Agency may determine that a written response to the sponsor's questions would be the most appropriate means for responding to the meeting request. When it is determined that the meeting request can be appropriately addressed through a written response to questions, FDA shall notify the requester of the date it intends to send the response.

2. Performance Goal: FDA will provide this notification within 14 days for 90% of Type A meeting requests and within 21 days for 90% of Type B and Type C meeting requests.

B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the requested date.

a) Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

b) Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request. In the case of a written response for a pre-IND meeting, the response should be transmitted by FDA within 60 calendar days of the Agency receipt of the meeting request.

c) Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request. In the case of a written response, the response should be transmitted by FDA within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe, and 90% of written responses are sent within the timeframe.

C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30

calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail. Meeting minutes are not required if the Agency transmits a written response for pre-IND or Type C meetings.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide:

a) A brief statement of the purpose of the meeting, and in the case of pre-IND and Type C meetings, the sponsor's proposal for either a face-to-face meeting or a written response from the Agency;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A listing of planned external attendees;

e) A listing of requested participants/disciplines representative(s) from the Center; and

f) The approximate time that supporting documentation (i.e., the ''backgrounder'') for the meeting will be sent to the Center (i.e., ''x'' weeks prior to the meeting), but should be received by the Center at the time of the meeting request for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings (including those for which a written response will be provided)

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a ''Type B'' meeting will be honored except in the most unusual circumstances.

4. In general, meetings regarding REMS or postmarketing requirements that occur outside the context of the review of a marketing application shall be classified as Type B meetings.

5. In general, a post-action meeting requested by the sponsor within three months after an FDA regulatory action other than an approval (i.e., issuance of a complete response letter) shall be classified as a Type A meeting.

6. FDA shall publish revised draft guidance on formal meetings between FDA and sponsors no later than the end of FY 2013.

Sponsors are encouraged to consult available FDA guidance to obtain further information on recommended meeting procedures.

IX. ENHANCING REGULATORY SCIENCE AND EXPEDITING DRUG DEVELOPMENT

To enhance communications between FDA and sponsors during drug development and to meet the challenges of emerging science in the areas of clinical trial endpoint assessment tools, biomarkers and pharmacogenomics, meta-analysis, and development of drugs for rare diseases, FDA will conduct the following activities:

A. Promoting Innovation Through Enhanced Communication Between FDA and Sponsors During Drug Development

1. FDA's philosophy is that timely interactive communication with sponsors during drug development is a core Agency activity to help achieve the Agency's mission to facilitate the conduct of efficient and effective drug development programs, which can enhance public health by making new safe and effective drugs available to the American public in a timely manner.

2. By the end of FY 2013, FDA will develop a dedicated drug development communication and training staff within the Office of New Drugs in CDER and augment the manufacturers assistance staff in CBER, focused on enhancing communication between FDA and sponsors during drug development.

3. Within CDER, the drug development communication and training staff will include (1) a dedicated liaison staff to facilitate general and, in some cases, specific interactions with sponsors and (2) a training staff for CDER staff training and for communication of best practices to the sponsor community.

4. The liaison staff will be composed of individuals who are experienced and knowledgeable about the drug review process (and in some cases may be on detail from the review divisions), interact regularly with the staff in review divisions, and are skilled in facilitating communications between applicants and FDA staff.

5. The liaison staff will conduct a range of tasks associated with enhancing communication between the review team and sponsors including identification and dissemination of best practices for enhanced communication, and development of training programs for review staff. In addition, they will work in collaboration with sponsor stakeholders to develop training for sponsors and receive feedback on FDA's programs regarding best practices for communication during drug development (e.g., participation in workshops and other meetings to communicate CDER's policy and practice to the sponsor community and to receive feedback on recommended improvements).

6. The liaison staff will serve as a point of contact for sponsors who have general questions about drug development or who need clarification on which review division to contact with their questions. The staff will also serve as a secondary point of communication within CDER for sponsors who are encountering problems in communication with the review team for their IND (e.g., in instances when they have not received a response from the review team to a simple or clarifying question or referral to the formal meeting process within 30 days of the sponsor's initial request). In such cases the liaison staff will assist in evaluating the issues and working with the review team and the sponsor to facilitate resolution of the problem.

7. By the end of FY 2014, the OND drug development and communication staff will provide training to all CDER staff involved in review of INDs. The training will include:

a) CDER's philosophy that timely interactive communication with sponsors during drug development is a core activity to help achieve our mission to facilitate the conduct of efficient and effective drug development programs, which can enhance public health by making new safe and effective drugs available to the American public in a timely manner.

b) Best practices for triage of sponsor requests for advice from the review team and timely communication of responses to simple and clarifying questions or referral of more complex questions to the formal meeting process.

c) Best practices for communication between the review team and the sponsor including establishing clear expectations and agreement on appropriate mechanisms (e.g., when teleconferencing or secure email may be the most appropriate means of communication) and frequency of such communications.

d) The role of the OND liaison staff in facilitating overall enhanced drug development communication between CDER and the drug development sponsor community and the staff's role in facilitating resolution of individual communication requests that have not been handled successfully in a timely manner by the review team, which is the primary interface with the sponsor regarding the drug under development.

8. By the end of the second quarter of FY 2015, FDA will publish draft guidance for review staff and industry describing best practices for communication between FDA and IND sponsors during drug development. The guidance will describe FDA's philosophy regarding timely interactive communication with sponsors as a core activity, the scope of appropriate interactions between the review team and the sponsor, outline the types of advice that are appropriate for sponsors to seek from FDA in pursuing their drug development program, describe the general expectations for the timing of FDA response to sponsor inquiries of simple and clarifying questions or referral of more complex questions to the formal meeting process, and describe best practices and communication methods (including the value of person-to-person scientific dialogue) to facilitate interactions between the FDA review team and the sponsor during drug development. FDA will publish final guidance within 18 months of the close of the comment period for the draft guidance.

B. Advancing the Science of Meta-Analysis Methodologies

1. Develop a dedicated review team with appropriate expertise to evaluate different scientific methods and to explore the practical application of scientific approaches and best practices, including methodological limitations, for the conduct of meta-analyses in the context of FDA's regulatory review process.

2. By the end of FY 2013, hold a public meeting engaging stakeholders in discussing current and emerging scientific approaches and methods for the conduct of meta-analyses, and to facilitate stakeholder feedback and input regarding the use of meta-analyses in the FDA's regulatory review process.

3. Considering feedback and input received through the public meeting, publish a draft guidance document for comment describing FDA's intended approach to the use of meta-analyses in the FDA's regulatory review process by the end of FY 2015. This guidance will promote a better understanding and more consistency among Agency, industry, and other stakeholders regarding meta-analyses and their role in regulatory decision-making.

4. Complete the final guidance describing FDA's intended approach to the use of meta-analyses in the FDA's regulatory review process (or revised draft guidance, if appropriate) within 1.5 years of the close of the public comment period.

C. Advancing the Use of Biomarkers and Pharmacogenomics

1. Develop staff capacity to review submissions that contain complex issues involving pharmacogenomics and biomarkers. This additional staff capacity will be integrated into the clinical review divisions and the clinical pharmacology and statistical review disciplines to ensure greater understanding of biomarker use in application review and efficient incorporation of qualified biomarkers in the review process.

2. Provide training for FDA staff on approaches to conducting a pharmacogenomics review of a new product application. This training will focus on the following: facilitation of a greater understanding of the challenges that arise when using pharmacogenomic markers and other biomarkers in a development program (including programs involving companion diagnostics), development of approaches to

address these challenges, and promotion of consistency in regulatory review through an understanding of best practices in assessment of applications that use biomarkers in the drug development program.

3. By the end of FY 2013, hold a public meeting to discuss the current status of biomarkers and pharmacogenomics and potential strategies to facilitate scientific exchanges in regulatory and non-regulatory contexts.

D. Advancing Development of Patient-Reported Outcomes (PROs) and Other Endpoint Assessment Tools

1. Develop clinical and statistical staff capacity to more efficiently and effectively respond to submissions that involve PROs and other outcomes assessment tools. These staff will advance the development of these tools by providing IND and qualification consultations and through promoting best practices for review and qualification of outcomes assessment tools. The additional capacity includes staff who will focus on review and qualification of endpoint assessment tools, including IND consultations with sponsors, as well as staff who will be integrated into the review divisions to facilitate evaluation of these tools and improve familiarity and understanding of assessment tools among review staff. These activities will allow for greater understanding of challenges that arise during development of outcomes assessment tools, potential strategies to overcome these challenges, and greater consistency in FDA's approach to review, qualification, and usage of these tools as part of the drug development process.

2. By the end of FY 2014, hold a public meeting to discuss FDA's qualification standards for drug development tools, new measurement theory, and implications for multi-national trials.

E. Advancing Development of Drugs for Rare Diseases

1. By the end of FY 2013, FDA will complete a staffing and implementation plan for the CDER Rare Disease Program within the Office of New Drugs and a CBER Rare Disease liaison within the Office of Center Director.

2. FDA will increase by five the staff of the CDER Rare Disease Program and establish and fill the CBER Rare Disease liaison position.

3. On an ongoing basis, the staff in the Rare Disease Programs of the two Centers will develop and disseminate guidance and policy related to advancing and facilitating the development of drugs and biologics for rare diseases, including improving understanding among FDA reviewers of approaches to studying such drugs; considering non-traditional clinical development programs, study design, endpoints, and statistical analysis; recognizing particular challenges with post-market studies; and encouraging flexibility and scientific judgment, as appropriate, on the part of reviewers when evaluating investigational studies and marketing applications for drugs for rare diseases. Rare Disease Program staff will also engage in increased outreach to industry regarding development of such drugs and to patient representatives and organizations.

4. By mid-FY 2014, FDA, through the Rare Disease Program, will conduct a public meeting to discuss complex issues in clinical trials for studying drugs for rare diseases, including such questions as endpoint selection, use of surrogate endpoints/Accelerated Approval, and clinical significance of primary endpoints; reasonable safety exposures; assessment of dose selection; and development of patient-reported outcome instruments. Participants in the discussion will include FDA staff, academic and clinical experts, and industry experts. A summary from the meeting will be made available publicly through the FDA website.

5. By the end of FY 2015, FDA will develop and implement staff training related to development, review, and approval of drugs for rare diseases. The training will be provided to all CDER and CBER review staff, and will be part of the reviewer training core curriculum. Among the key purposes of this training are to familiarize review staff with the challenges associated with rare disease applications and strategies to address these challenges; to promote best practices for review and regulation of rare disease applications; and to encourage flexibility and scientific judgment among reviewers in the review and regulation of rare disease applications. The training will also emphasize the role of the Rare Disease Program staff as members of the review team to help ensure consistency of scientific and regulatory approaches across applications and review teams.

6. By the end of FY 2016, FDA, through the Rare Disease Program, will develop an evaluation tool to evaluate the success of the activities of the Rare Disease Program, including the reviewer training. Among potential measures of success are the development of a system to track rare disease applications from IND submission through the post-marketing period, increased number of reviewers receiving rare disease-specific training, increased number of activities contributing to regulatory and biomedical science for rare disease drug development, and meeting of PDUFA goals for rare disease applications.

X. ENHANCING BENEFIT-RISK ASSESSMENT IN REGULATORY DECISIONMAKING

A. FDA will develop a five-year plan to further develop and implement a structured benefit/risk assessment in the new drug approval process. FDA will publish its draft plan for public comment by the end of the first quarter of FY 2013. FDA will begin execution of the plan to implement the benefit-risk framework across review divisions in the pre-and post-market human drug review process by the end of the fourth quarter of FY 2013, and the Agency will update the plan as needed and post all updates on the FDA website.

The plan will include:

1. A description of FDA's intended approach to build on the Agency's current efforts to integrate a structured benefit/risk framework throughout the lifecycle of human drug development.

2. A plan to conduct two public workshops on benefit-risk considerations from the regulator's perspective that will begin by the first quarter of FY 2014. The first workshop will be primarily informational by focusing discussion on the various frameworks and methods available and their application to regulatory decision-making. The second workshop will focus on the results and lessons learned in implementing frameworks at regulatory agencies in the pre- and post-market drug review process.

3. An evaluation plan to ascertain the impact of the benefit-risk framework in the human drug review process. The evaluation will consider the utility of the framework in facilitating decision-making and review team discussions across disciplines, risk management plan decision-making, training of new review staff, and communicating regulatory decisions. In particular, the evaluation will consider the degree to which the framework supports or facilitates balanced consideration of benefits and risks, a more consistent and systematic approach to discussion and decision-making, and communication of benefits and risks.

B. As appropriate, FDA will revise the CDER Clinical Review Template, Office and Division Director Summary Memo Templates, and corresponding Manuals of Policies and Procedures (MaPP) [and equivalent documents in CBER] to incorporate a structured benefit/risk assessment into the human drug review process on a timeframe outlined in the five-year plan described in (A).

C. Over the period of PDUFA V, FDA will initiate a public process to nominate a set of disease areas that could benefit from a more systematic and expansive approach to obtaining the patient perspective on disease severity or unmet medical need. FDA will convene 4 meetings per year (CDER will host 17 meetings and CBER will host 3 meetings throughout PDUFA V) with each meeting focused on a different disease area. These meetings will include participation of FDA review divisions, the relevant patient advocacy community, and other interested stakeholders. After each meeting, FDA will publish the meeting proceedings and a summary analysis of the input received by FDA that is relevant to FDA's consideration of disease severity and unmet medical need. This knowledge will be used to more fully develop an understanding of the disease severity and an assessment of the current state of the treatment armamentarium which are both critical components of FDA's current benefit-risk framework in regulatory decision-making and communication. After the first two meetings, FDA will develop a proposal for how FDA will incorporate these perspectives into the Agency's decision-making.

In addition, FDA will increase its utilization of FDA's Patient Representatives as Special Government Employee consultants to CDER and CBER to provide patients' views early in the medical product development process and ensure those perspectives are considered in regulatory discussions.

D. FDA will train review and management staff on the revised templates and MaPPs described in (B) and fully integrate structured benefit/risk assessment into the regulatory review process by a date specified in the five-year plan.

XI. ENHANCEMENT AND MODERNIZATION OF THE FDA DRUG SAFETY SYSTEM

FDA will continue to use user fees to enhance and modernize the current U.S. drug safety system, including adoption of new scientific approaches, improving the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, and enhancing communication and coordination between post-market and pre-market review staff. Enhancements to the drug safety system will improve public health by increasing patient protection while continuing to enable access to needed medical products. User fees will provide support for 1) enhancing risk evaluation and mitigation strategies (REMS) by measuring their effectiveness and evaluating with stakeholder input appropriate ways to better integrate them into the existing and evolving healthcare system, and 2) continued development and implementation of the Sentinel System.

A. Measure the Effectiveness of REMS and Standardize and Better Integrate REMS into the Healthcare System

FDA will use user fee funds to continue to develop techniques to standardize REMS and with stakeholder input seek to integrate them into the existing and evolving (e.g., increasingly electronic) healthcare system.

1. By the end of FY 2013, FDA will develop and issue guidance on how to apply the statutory criteria to determine whether a REMS is necessary to ensure that the benefits of a drug outweigh the risks.

2. By the end of FY 2013, FDA will hold one or more public meetings to include the pharmaceutical industry, other government

healthcare providers, patient groups, and partners from other sectors of the healthcare delivery system to explore strategies to standardize REMS, where appropriate, with the goal of reducing the burden of implementing REMS on practitioners, patients, and others in various healthcare settings. To move towards increased integration of REMS into the healthcare delivery system, FDA will issue a report of its findings by the first quarter of FY 2014 that will identify at least one priority project in each of the following areas including a workplan for project completion: pharmacy systems, prescriber education, providing benefit/risk information to patients, and practice settings.

3. By the end of FY 2013, FDA will initiate one or more public workshops on methodologies for assessing whether REMS are mitigating the risks they purport to mitigate and for assessing the effectiveness and impact of REMS, including methods for assessing the effect on patient access, individual practitioners, and the overall burden on the healthcare delivery system. FDA will issue guidance by the end of FY 2014 on methodologies for assessing REMS. This guidance should specifically address methodologies for determining whether a specific REMS with elements to assure safe use (ETASU) is: (i) commensurate with the specific serious risk listed in the labeling of the drug and (ii) considering the observed risk, not unduly burdensome on patient access to the drug.

B. Sentinel as a Tool for Evaluating Drug Safety Issues That May Require Regulatory Action

FDA will use user fee funds to conduct a series of activities to determine the feasibility of using Sentinel to evaluate drug safety issues that may require regulatory action, e.g., labeling changes, PMRs, or PMCs. The activities will be selected and designed to focus on issues that affect classes of drugs or multiple products.

1. By the end of FY 2013, FDA will hold or support public meetings engaging stakeholders to discuss current and emerging Sentinel projects and facilitate stakeholder feedback and input regarding Sentinel projects that would be appropriate to meet the goals stated above.

2. Informed by the feedback and input received through the public meeting, in FY 2013 through FY 2017, FDA will fund 4–6 activities, which will include multiple product or class-specific studies or methodology development. These activities will be specifically designed to further evaluate safety signals that, in previous cases, have served as the basis for regulatory action(s) or designed more broadly to help determine the utility and validity of the Sentinel System to evaluate other types of signals in population-based databases. The following are examples of potential activities:

a) Expanding the active surveillance mechanisms begun for the H1N1 pandemic to substitute for the information gathered in large ad hoc, manufacturer-conducted studies

b) Evaluating risk for class-wide adverse events (e.g., cardiovascular events, suicidality)

3. By the end of FY 2015, FDA will conduct (or fund by contract) an interim assessment to evaluate the strengths, limitations and the appropriate use of Sentinel for informing regulatory actions (e.g., labeling changes, PMRs and PMCs) to manage safety issues.

4. By the end of FY 2017, FDA will conduct (or fund by contract) an assessment to evaluate the strengths, limitations, and the appropriate use of Sentinel for informing regulatory actions (e.g., labeling changes, PMRs and PMCs) to manage safety issues.

C. Conduct and support activities designed to modernize the process of pharmacovigilance

1. Continued use of expanded database resources: A critical part of the transformation of the drug safety program is maximizing the usefulness of tools used for adverse event signal detection and risk assessment. Use of data other than passive spontaneous reports, including population-based epidemiological data and other types of observational data resources will continue to enhance FDA's capability to conduct targeted post-marketing surveillance, evaluate class effects of drugs, and potentially conduct signal detection using data resources other than reports from the Adverse Event Reporting System (AERS). FDA will continue training and development of existing staff on the use of these resources, and develop the information technology infrastructure needed to support access and analysis of data from these resources.

D. Information Systems and Infrastructure

FDA will continue the Agency's efforts on the following standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information:

1. Enhanced adverse event reporting system and surveillance tools;

2. IT infrastructure to support access and analyses of externally-linked databases; and

3. Workflow tracking system.

XII. IMPROVING THE EFFICIENCY OF HUMAN DRUG REVIEW THROUGH REQUIRED ELECTRONIC SUBMISSIONS AND STANDARDIZATION OF ELECTRONIC DRUG APPLICATION DATA

A. To enhance the quality and efficiency of FDA's review of NDAs, BLAs, and INDs, FDA shall consult with stakeholders, including pharmaceutical manufacturers and other research sponsors, to issue draft guidance on the standards and format of electronic submission of applications by December 31, 2012.

B. FDA will issue final guidance no later than 12 months from the close of the public comment period on the draft guidance. Such final guidance and any subsequent revisions to the final guidance shall be binding on sponsors, applicants, and manufacturers no earlier than twenty-four months after issuance of the final guidance.

C. Requirements for electronic submission shall be phased in according to the following schedule:

1. Twenty-four (24) months after publication of the final guidance: All new original NDA and BLA submissions, all new NDA and BLA efficacy supplements and amendments, all new NDA and BLA labeling supplements and amendments, all new manufacturing supplements and amendments, and all other new NDA submissions.

2. Thirty-six (36) months after publication of the final guidance: All original commercial INDs and amendments, except for submissions described in section 561 of the Federal Food, Drug, and Cosmetic Act.

D. Because of the significant investments required to change regulatory submission and review software, initial FDA guidance shall specify the format of electronic submission of applications using eCTD version 3.2.2 unless, after notice and an opportunity for stakeholder comment, FDA determines that another version will provide for more efficient and effective applicant submission or FDA review. In general, when FDA revises final guidance requiring submission using a new version of electronic standards or formats, FDA shall also accept submissions using the previous version for no less than twenty-four (24) months.

E. Clinical Terminology Standards: Using a public process that allows for stakeholder input, FDA shall develop standardized clinical data terminology through open standards development organizations (i.e., the Clinical Data Interchange Standards Consortium (CDISC)) with the goal of completing clinical data terminology and detailed implementation guides by FY 2017.

1. FDA shall develop a project plan for distinct therapeutic indications, prioritizing clinical terminology standards development within and across review divisions. FDA shall publish a proposed project plan for stakeholder review and comment by June 30, 2013. FDA shall update and publish its project plan annually.

F. Development of terminology standards for data other than clinical data: To address FDA-identified nonclinical data standards needs, FDA will request public input on the use of relevant already-existing data standards and the involvement of existing standards development organizations to develop new standards or refine existing standards. FDA will obtain this input via publication of a Federal Register notice that specifies a 60-day comment period.

G. FDA shall periodically publish final guidance specifying the completed data standards, formats, and terminologies that sponsors must use to submit data in applications. In the case of standards for study data, new data standards and terminology shall be applicable prospectively and only required for studies that begin 12 months after issuance of FDA's final guidance on the applicable data standards and terminology.

XIII. PROGRESS REPORTING FOR PDUFA V AND CONTINUING PDUFA IV INITIATIVES

On an annual basis, FDA will report on its website the progress in each of the PDUFA V initiatives described in Sections IX, X, XI, and XII. The annual reports will include: (a) descriptions of the hiring and placement of new staff and use of PDUFA resources to support the new initiatives in Sections IX, X, XI.A, XI.B, and XII, and (b) progress reports on achieving metrics described in each of the sections. Each report will be posted on the FDA website no later than 120 days after the end of the fiscal year. The staff resources will support the new initiatives described in Sections IX, X, XIA, XIB and XII and the related work associated with these initiatives to ensure their success.

XIV. INFORMATION TECHNOLOGY GOALS

A. Objective

FDA is committed to achieve the long-term goal of improving the exchange, review, and management of human drug and biologic applications throughout the product life cycle through strategic investments in automated, standards-based information technology (IT).

B. Communications and Technical Interactions

1. FDA will periodically update and publish to the FDA website a five-year plan for business process improvement enabled by IT investments.

a) The plan will frame the strategy for prioritizing IT-enabled business process change, enumerate the business process improvements expected from each IT investment, and convey a consistent series of milestones for each initiative to track pace and progress.

b) FDA will conduct an annual assessment of progress against the plan and publish on the FDA website a summary of the assessment within 3 months after the close of each fiscal year.

c) FDA will publish updates to the plan as FDA deems appropriate. FDA will publish on the FDA web site draft revisions to the plan; solicit comments from the public on those draft revisions; and consider the public comments before completing and publishing updates to the plan.

2. The FDA and industry stakeholders will meet on a quarterly basis to discuss prospective implementation of the plan, progress toward the long term goal, potential impacts that future activities may have on FDA or stakeholders, and potential revisions to the plan.

C. Metrics and Measures

On an annual basis, FDA will measure and report progress toward achievement of the objectives defined in Section XIV.A. Measures will include but are not limited to:

1. The number and percentage of IND, NDA, and BLA submissions received in valid electronic format in compliance with FDA standards, categorized by types of submissions. Increasing the number and percentage of IND, NDA, and BLA submissions received in valid electronic format is a goal that is supported by the FDA and industry stakeholders. Achievement of this goal requires the cooperation of regulated industry. To support the assessment of this goal, the following information will be tracked and reported:

a) Total number of submissions categorized by type of submission

b) Total number of submissions in valid electronic format in compliance with FDA standards

c) Total number of submissions received through the secure electronic single point of entry versus other methods

d) Total number of submissions received substantially on paper or non-standardized electronic format

e) Total number of standards-based electronic submissions that fail to comply with FDA electronic submission standards, along with a distribution of these submission failures across categories of failure or problem type

2. Number and significance of IT technical specifications or e-submission guidance implemented requiring industry to change submission content that are not forecasted accurately in the five year plan or those whose content has not been available to industry at least twelve months prior to required implementation.

3. Spending on Center IT systems and IT systems that are common across the organizational divisions participating in the process for the review of human drug applications. This includes systems development versus maintenance spending; infrastructure support; a report of total PDUFA fee-funded spending versus appropriations-funded spending; FDA enterprise versus PDUFA-program specific support.

XV. IMPROVING FDA PERFORMANCE MANAGEMENT

A. The studies conducted under this initiative are intended to foster:

1. Development of programs to improve access to internal and external expertise

2. Reviewer development programs, particularly as they relate to drug review processes

3. Advancing science and use of information management tools

4. Improving both inter- and intra-Center consistency, efficiency, and effectiveness

5. Improved reporting of management objectives

6. Increased accountability for use of user fee revenues

7. Focused investments on improvements in the process of drug review

8. Improved communication between the FDA and industry

B. Studies will include:

1. Assessment by an independent contractor of the Program for NME NDAs and original BLAs as described in Section IIB.

2. Assessment of the impact of the benefit-risk framework in the human drug review process as described in Section X.A.3.

3. Development of a tool to evaluate the success of the activities of the Rare Disease Program as described in Section IX.D.6.

4. Assessment of the impact of electronic submissions and data standards on the efficiency and other performance attributes of the human drug review process beginning in FY 2015.

5. Assessments by an independent accounting firm of the review activity adjustment methodology, as described in section 736(c)(2), by the end of the second quarter of FY 2013 and by the end of the fourth quarter of FY 2015 with recommendations for changes, if warranted.

XVI. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. Goal Date Extensions for Major Amendments

1. A major amendment to an original application, efficacy supplement, or resubmission of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

2. A major amendment may include, for example, a major new clinical safety/efficacy study report; major re-analysis of previously submitted study(ies); submission of a REMS with ETASU not included in the original application; or significant amendment to a previously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

3. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

4. Only one extension can be given per review cycle.

5. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling

2. Draft labeling

3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)

4. Stability updates to support provisional or final dating periods

5. Commitments to perform Phase 4 studies, including proposals for such studies

6. Assay validation data

7. Final release testing on the last 1–2 lots used to support approval

8. A minor reanalysis of data previously submitted to the application

9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)

10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

E. Class 2 resubmissions are resubmissions that include any other items, including any items that would require presentation to an advisory committee.

F. A Type A meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a ''critical path'' meeting) or to address an important safety issue.

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or 3) a pre-NDA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

J. IT-specific definitions (refer also to Section XIV)

1. ''Program'' refers to the organizational resources, procedures, and activities assigned to conduct ''the process for the review of human drug applications,'' as defined in the Prescription Drug User Fee Act.

2. ''Standards-based'' means compliant with published specifications that address terminology or information exchange between the FDA and regulated parties or external stakeholders, as adopted by the FDA or other agencies of the federal government, and often based on the publications of national or international Standards Development Organizations.

3. ''FDA Standards'' means technical specifications that have been adopted and published by the FDA through the appropriate governance process. FDA standards may apply to terminology, information exchange, engineering or technology specifications, or other technical matters related to information systems. FDA standards often are based on the publications of other federal agencies, or the publications of national or international Standards Development Organizations.

4. ''Product life cycle'' means the sequential stages of human drug development, regulatory review and approval, post-market surveillance and risk management, and where applicable, withdrawal of an approved drug from the market. In the context of the process for the review of human drug applications, the product life cycle begins with the earliest regulatory submissions in the Investigational New Drug (IND) phase, continues through the New Drug Application (NDA) or Biological Licensing Application (BLA) review phase, and includes post-market surveillance and risk management activities as covered under the process for the review of human drug applications.

GENERIC DRUG USER FEE ACT PROGRAM PERFORMANCE GOALS AND PROCEDURES

The performance efficiencies, metric goals and procedures to which FDA will agree upon commencement of a generic drug user fee act (GDUFA) program (''the program''), as jointly proposed by FDA and industry, are summarized below.

OVERALL PURPOSE OF THE GENERIC DRUG USER FEE PROGRAM

To help FDA ensure that participants in the U.S. generic drug system comply with U.S. quality standards, and to increase the likelihood that American consumers get timely access to low cost, high quality generic drugs, FDA and industry have jointly agreed to a comprehensive user fee program,

to be supplemental to traditional appropriated funding, that is focused on three key aims:

Safety—Ensure that industry participants, foreign or domestic, who participate in the U.S. generic drug system are held to consistent high quality standards and are inspected biennially, using a risk-based approach, with foreign and domestic parity.

Access—Expedite the availability of low cost, high quality generic drugs by bringing greater predictability to the review times for abbreviated new drug applications, amendments and supplements, increasing predictability and timeliness in the review process.

Transparency—Enhance FDA's ability to protect Americans in the complex global supply environment by requiring the identification of facilities involved in the manufacture of generic drugs and associated active pharmaceutical ingredients, and improving FDA's communications and feedback with industry in order to expedite product access.

Recognizing the critical role generic drugs play in providing more affordable, therapeutically equivalent medicine, the Generic Drug User Fee program is designed to keep individual fee amounts as low as possible to supplement appropriated funding to ensure that consumers continue to receive the significant benefits offered by generic drugs which provided more than $824 billion in savings to the nation's health care system in the last decade alone. The additional resources called for under the agreement, an inflation adjusted $299 million annually for each of the five years of the program, will provide FDA with the ability to perform critical program functions that could not otherwise occur. This program is not expected to add significantly to the cost of generic drugs: given that a reported 3.99 billion retail prescriptions per year were dispensed in the United States in 2010, and assuming that 78% of these prescriptions were filled by generic drugs, it equates to less than a dime per prescription for the average cost of a prescription filled by a generic drug in the United States. Moreover, with the adoption of user fees and the associated savings in development time, the overall expense of bringing a product to market may decline and result in reduced costs.

In addition to the public health benefits outlined above, the program described in this letter is expected to provide significant value to small companies and first time entrants in the generic market who will benefit significantly from the certainty associated with performance review metrics that offer the potential to dramatically reduce the time needed to commercialize a generic drug when compared to pre-GDUFA review times.

In addition, the variety of funding sources for the program will assure that participants in the generic drug industry, whether finished dosage form (FDF) manufacturers or Active Pharmaceutical Ingredient (API) manufacturers appropriately share the financial expense and benefits of the program. Given that the total amount of annual user fee funding is expected to be derived from a broad funding source, including an estimated 2000 FDF and API facilities supporting Abbreviated New Drug Applications (ANDAs), as well as approximately 750 ANDAs, 750 prior approval supplements (PASs) and 350 Type II Active Pharmaceutical Drug Master Files (DMFs) annually, user fees are expected to provide a measurable return on investment related to predictability of inspection, and review timelines. The program's goals of ensuring FDA has necessary resources to conduct needed inspections as part of the complete review framework and achieve parity of Good Manufacturing Practice (GMP) inspections for foreign and domestic facilities by the 5th year of the user fee program will also provide significant value to industry participants given that outstanding inspections can result in delays of ANDA approvals.

Taken collectively, the user fee program and associated performance metrics and fees are expected to provide measurable public health benefits and are not expected to competitively disadvantage any company or business sector regardless of size or location.

END NOTES

1. Source: IMS Health Report—GPHA. Savings achieved through the use of generic pharmaceuticals: 2000–2009, July 2010.

2. Source: ''The Use of Medicines in the United States: Review of 2010'', Report by the IMS Institute for Healthcare Informatics, slide 8, available at *http://www.imshealth.com/deployedfiles/imshealth/Global/Content/IMS%20Institute/Static%20File/IHII_UseOfMe_d_report.pdf.*

3. Ibid., slide 22.

1. OVERVIEW

OVERALL PROGRAM SCOPE, ASSUMPTIONS, AND ASPIRATIONS

The goals to which FDA is committing for generic drugs are premised on the following assumptions:

I. Funding for the program from user fees will be at agreed-upon levels of approximately $299 million annually adjusted for inflation and will supplement appropriated funding from Congress as described further below.

II. It is estimated that FDA will receive the funding through approximately 750 abbreviated new drug applications (ANDAs) per year submitted electronically, approximately 750 prior approval supplements (PASs) approximately 350 newly referenced drug master files (DMFs) per year and through approximately 2000 facilities associated with ANDAs. While the total revenue collected can be defined in advance and is constant as the resourcing level must be constant, the individual fee will be determined each year based on the variability of the fee source.

III. Over the five year course of the program, there will be no significant changes in the generic drug facility inventory, either in terms of general number of facilities, or the foreign and domestic facility split.

IV. FDA will have streamlined hiring authority for all GDUFA-related positions prior to or concurrent with the implementation date of the program.

V. FDA expects the program will be implemented starting on the first day of Fiscal Year 2013, October 1, 2012 and continue for five years, with the joint expectation that the program will be continued at the end of five years under terms to be negotiated before the end of FY 2017.

VI. Industry and FDA will populate and maintain databases as necessary for facilities, fee assessments, efficiency and other enhancements as described further below and as needed to support the Generic Drug User Fee Act. Because certain databases to implement this program will need to be built, and existing systems need to be expanded or modified, industry will submit necessary information in electronic format to FDA using appropriate standards to be specified by the agency or as specified in statute.

VII. FDA will aspire to the extent possible to maintain levels of productivity at least similar to pre-GDUFA levels, while hiring and training incremental staff necessary to achieve the program performance goals, building necessary systems and implementing outlined program changes in years 1 and 2 of the program (see goals for years 3–5 metrics).

VIII. FDA will utilize a complete review standard (as defined below), will aspire to hold first cycle deficiency teleconferences with industry to discuss complete response questions at a level at least similar to pre-GDUFA levels in years 1 and 2 of the program (see goals for years 3–5 metrics) and will utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

IX. FDA will aspire to complete reviews for applications with only minor administrative amendments pending prior to the expiration date of the controlling patent or applicable exclusivity date regardless of the amendment(s) goal date.

X. FDA will work towards achieving performance goals to reach parity of GMP inspections of foreign and domestic establishments, will prioritize inspections using a risk-based approach, and will prioritize inspections of establishments associated with ANDAs that are otherwise approvable or eligible for tentative approval except for an outstanding inspection, as well as establishments associated with ANDAs that have not been inspected previously. In appropriate circumstances FDA can rely on a routine surveillance inspection in lieu of an application-specific inspection. Generally, among other considerations, FDA relies on a previous inspection of a finished product site occurring within 2 years of the current good manufacturing practice (CGMP) evaluation for a pending application, 3 years for an active pharmaceutical ingredient (API) site or a control testing laboratory, and 4 years for a packaging-only site. There are exceptions to this general practice, which are usually related to the nature of the drug being processed or the complexity of the associated processing operations. FDA intends to continue the practice of using a risk-based assessment in determining the length of time since the last inspection, guided by a 2-year cycle for finished dosage product sites and a 3-year cycle for API sites and consideration of the type of finished product or API in the application. Practically, this means that in making decisions about pending applications for which FDA does not have current inspection information within the time period indicated, FDA may use previous FDA inspection information and/or use inspection information from another regulatory authority as appropriate.

XI. FDA will strive to review and act on all ANDAs that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted within 30 months of submission to avoid causing first applicants to inadvertently forfeit 180-day exclusivity eligibility under 21 U.S.C. §355(j)(5)(D)(i)(IV).

XII. Because the agreed generic drug user fee program is intended to be additive to budget appropriations, agreed upon legislative language will require that annual program appropriations from Congress must be equal to or exceed the FDA appropriation for FY 2009.

XIII. In order to generate the agreed upon levels of user fee funding to achieve the enclosed performance goals, metrics and efficicienies, legislative language will require that approximately 70% of GDUFA fees shall be derived from facility fees (for facilities producing or pending review to produce active pharmaceutical ingredients or finished dosage forms for a generic drug application), approximately 30% of GDUFA fees shall be derived from application fees (DMF Fees and ANDA and PAS (Prior Approval Supplement) Fees). As discussed and agreed by the various industry business segments, overall fees will be divided 80 percent to 20 percent between the finished dosage form (FDF) and API and manufacturers, respectively in industry. In the first year of the

program, $50 million of the total GDUFA user fee funding shall be generated by a one time backlog fee for ANDAs pending (except for ANDAs that are pending but have received tentative approval) on October 1, 2012.

XIV. For appeals of decisions concerning procedural or scientific matter involving review of pending ANDAs, ANDA amendments and ANDA supplements FDA will aspire that the response to appeals of decisions will occur within 30 calendar days of OGD receipt of the written appeal when possible, though no reportable performance goals are required.

Note: If these assumptions differ significantly from actuality, FDA may not be able to achieve the goals and efficiency enhancements outlined in this goals letter, despite the supplemental funding provided by the program.

SUMMARY OF MAJOR PROGRAM GOALS INCLUDING FIVE YEAR GOALS

Major Program (including 5 year) goals can be summarized as follows:

Note that FDA agrees to additional 5 year goals, as set forth later in this goals letter, such as goals on amendments, controlled correspondence, and prior approval supplements, as well as goals for years prior to year 5 of the program. The goals summarized in this section are a subset of the complete year 5 goals, and are intended simply to illustrate the scope of the program.

Application metrics—For Abbreviated New Drug Applications (ANDAs) in the year 5 cohort, FDA will review and act on 90 percent of complete electronic ANDAs within 10 months after the date of submission. Certain amended applications may have differing metrics as discussed below.

Backlog metrics—FDA will review and act on 90 percent of all ANDAs, ANDA amendments and ANDA prior approval supplements regardless of current review status (whether electronic, paper, or hybrid) pending on October 1, 2012 by the end of FY 2017.

CGMP Inspection metrics—FDA will conduct risk-adjusted biennial CGMP surveillance inspections of generic API and generic finished dosage form (FDF) manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic firms in FY 2017.

Efficiency Enhancements—FDA will implement various efficiency enhancements discussed below on October 1, 2012 or upon enactment of the program, whichever is later.

Regulatory Science—FDA will continue, and for some topics begin undertaking various regulatory science initiatives discussed below on October 1, 2012 or upon enactment of the program, whichever is later, focusing first on the initiatives discussed below and with additional initiatives to be identified with input from an industry working group.

Details follow.

2. EFFICIENCY ENHANCEMENTS TO BE UNDERTAKEN ON OCTOBER 1, 2012, OR UPON ENACTMENT OF THE PROGRAM, WHICHEVER IS LATER

A. ANDA REVIEW EFFICIENCY ENHANCEMENTS

Starting on October 1, 2012 or upon enactment of the program, whichever is later, FDA will issue complete response letters, rather than discipline specific letters, for all ANDAs, including those pending on October 1, 2012.

Complete response letters will reflect full division-level review of deficiencies from all relevant review disciplines, including inspections, and address other matters relating to the ANDA and associated DMFs as well as consults with other agency components (these will be subsumed into the application metrics).

FDA reviewers will make every reasonable effort to communicate promptly to applicants easily correctable deficiencies found in the ANDA and will utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

When requested by the ANDA sponsor within 10 business days of FDA issuing a first cycle complete response letter, as provided by the sponsor in a written request that outlines specific written questions the applicant would like to discuss (limited to the content of the letter), FDA will schedule a 30 minute teleconference to clarify issues and answer questions. Priority for such teleconferences will be given to expedited and first major amendment applications. Although FDA will begin to develop procedures and tracking systems for such teleconferences coincident with the start of the program, there will be no teleconference goals for the first two years of the program although FDA will aspire to conduct such teleconferences as requested when reportable performance goals are not otherwise required. In the first two years, FY 2013 and FY 2014, FDA would aspire to hold teleconferences with industry to address complete response questions at a level similar to pre-GDUFA levels. Subsequently, the goals for number of reportable teleconferences (although FDA may conduct more such teleconferences) will be:

Closing out the teleconference request for 200 meetings in FY 2015;

Closing out the teleconference request for 250 meetings in FY 2016;

Closing out the teleconference request for 300 meetings in FY 2017.

FDA will develop enhanced refusal to receive standards for ANDAs and other related submissions by the end of year 1 of the program and will publish such standards in advance of implementation.

For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted. Expedited review will be implemented consistent with existing procedure for expediting applications as set forth in CDER's MAPP 5240.3, and will also include those applications that become eligible for approval during the review period as a result of no blocking exclusivities, patent(s) and/or applicable stays based on appropriate documentation submitted.

Review metric goals (described below) only apply to submissions made electronically, following the eCTD format in effect at the date of submission.

Backlog review metric goals (described below) apply to all ANDA applications, amendments, and supplements regardless of current review status in the queue as of October 1, 2012, regardless of whether they were submitted in paper, electronic, or hybrid format.

B. DRUG MASTER FILE (DMF) REVIEW EFFICIENCY ENHANCEMENTS

After the program's implementation date, upon payment of the DMF fee by DMF holders anticipating reference by a generic drug manufacturer, FDA will conduct a completeness assessment of Type II API DMFs. Following a satisfactory completeness assessment, FDA will deem the DMF available for reference, placing the DMF number in a publicly available list of Type II API DMFs available for reference.

Review metric goals (described below) will only apply to Type II API DMFs submitted after the program's implementation date, if they are submitted electronically. Electronic DMFs will follow the eCTD format in effect at date of submission.

FDA will issue a letter detailing all identified deficiencies, rather than discipline specific letters, for all DMFs including those under review at the time of enactment of the implementing legislation.

The DMF deficiency letters will reflect full division-level deficiency review of deficiencies from all relevant review disciplines, including inspections, and address other matters relating to the DMF review such as consults with other agency components (these will be subsumed into the DMF metrics).

FDA reviewers will make every reasonable effort to communicate promptly to applicants easily correctable deficiencies found in the DMF and will continue to utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

When requested by a DMF holder within 10 business days of FDA issuing a first cycle DMF deficiency letter, as provided by the DMF holder in a written request that outlines specific written questions the DMF holder would like to discuss (limited to the content of the letter), FDA will schedule a 30 minute teleconference with a limit of one teleconference per DMF holder per month, with the total number of teleconferences not to exceed the number of teleconferences for ANDAs, a teleconference to clarify issues and answer questions. Priority for such teleconferences will be given to DMFs referenced in expedited and first major deficiency applications. Although FDA will begin to develop procedures and tracking systems for such teleconferences coincident with the start of the program, there will be no teleconference goals for the first two years of the program although FDA will aspire to conduct such teleconferences as requested when reportable performance goals are not otherwise required. In the first two years, FY 2013 and FY 2014, FDA would aspire to hold teleconferences with industry to address DMF deficiency questions at a level similar to pre-GDUFA levels (although FDA may conduct more such teleconferences).

Once a DMF has undergone a complete review and the ANDA referencing same is either approved or tentatively approved—at such time there being no further outstanding deficiencies to the DMF—FDA will issue the DMF holder a letter to indicate that the DMF does not have any further open matters as part of the review associated with the referencing ANDA.

C. INSPECTION EFFICIENCY ENHANCEMENTS

To maximize the number of applications that can be reviewed within the metric goals and to assist in securing the pharmaceutical supply chain, FDA will employ a risk-adjusted biennial CGMP surveillance inspection model for inspection of generic API and FDF manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic establishments in FY 2017 and will prioritize inspections of establishments associated with ANDAs that are otherwise approvable or eligible for tentative approval except for an outstanding inspection, as well as establishments that have not been inspected previously.

FDA will make inspection classification results and date of the last facility inspection available to the public and industry on FDA's website on timely basis.

During the five years of the program, FDA will undertake a study of foreign government regulator inspections (CGMP and bioequivalence), report findings publicly, and develop a program to utilize foreign inspection classifications when and where appropriate.

D. OTHER EFFICIENCY ENHANCEMENTS

FDA will develop new and/or enhance existing facility databases (API and FDF manufacturing and clinical/ bioequivalence site) to be populated by industry. These databases will, at a minimum, contain information for generics-related firms, including addresses and Data Universal Numbering System (DUNS) numbers, and will link facilities to DMFs and ANDAs and will contain other information as necessary.

FDA will develop a current chemistry manufacturing and controls (CMC) records database to aid in the efficiency of review and inspection.

FDA will develop and issue electronic data submission standards.

Because certain databases to implement this program will need to be built, and existing systems need to be expanded or modified, industry will submit necessary information in electronic format to FDA using appropriate standards to be specified by the agency or as specified in statute.

3. REGULATORY SCIENCE INITIATIVES

A. WORKING GROUP

FDA will convene a working group and consider suggestions from industry and other stakeholders to develop an annual list of regulatory science initiatives for review by CDER Director.

B. FY 2013 PLAN

The FY 2013 plan is appended.

4. METRIC GOALS/MEASUREMENTS

A. HUMAN RESOURCES METRICS

FDA will hire and train at least 25 percent of incremental staff in FY 2013, 50 percent in FY 2014 and will strive to complete GDUFA-funded human resources hiring goals in FY 2015 as necessary to achieve the program's performance metrics and goals.

B. ANDA, ANDA AMENDMENT, AND ANDA PRIOR APPROVAL SUPPLEMENT REVIEW METRICS AND DMF REVIEWS AS SUBSUMED IN EACH

ANDAs will be categorized according to cohort year.

Once an ANDA is in a given year's cohort, dates of submission of a subsequent amendment will not change the cohort year. Regardless of the year in which an amendment is submitted, any additional time periods to be added to the base review period will be calculated using the time periods corresponding to the original cohort year.

Original (complete) ANDA Review (Certain amended applications may have differing metrics as discussed below.)

FDA will review and act on 60 percent of original ANDA submissions within 15 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of original ANDA submissions within 15 months from the date of submission for the year 4 cohort.

FDA will review and act on 90 percent of original ANDA submissions within 10 months from the date of submission for the year 5 cohort.

For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted.

Amendment Review

All amendment metric goals are incremental, and the time periods specified are calculated from the date of submission. They will be added to the original review goal, but in no case shall they shorten the original goal date. (In other words, an amendment with a 6 month metric which was submitted 4 months prior to original goal date would add 2 months to the review clock).

An amendment pre Complete Response Letter adjusts the goal date for the original application.

Subsequent amendments pre Complete Response Letter also adjust the goal date for the application and are additive.

An amendment post Complete Response Letter sets a new goal date for the application.

Subsequent amendments post Complete Response Letter also adjust the goal date for the application and are additive.

Delaying amendments or amendments containing information that FDA would otherwise ask for as a result of post ANDA submission reference listed drug changes do not add to the count of amendments.

If any amendment contains multiple elements, the longest goal date shall apply.

Amendments shall be grouped as Tier 1, Tier 2 or Tier 3. FDA agrees that unsolicited amendments that are submitted to a pending ANDA that are neither Tier 1, Tier 2 or Tier 3 amendments, but rather are routine or administrative in nature and do not require scientific review (e.g., requests for final ANDA approval, patent amendments, general correspondence, and USP monograph updates), will not lengthen or impact the original review goal date.

Tier 1 amendments include:

All solicited first major and the first five minor amendments

All unsolicited amendments indicated by sponsor and agreed by FDA to be a result of either delaying actions as determined by FDA's Office of Generic Drugs taking into account the facts and information supplied by the ANDA applicant or that otherwise would eventually be solicited.

Tier 2 amendments include:

All unsolicited amendments not arising from delaying actions as determined by FDA's Office of Generic Drugs taking into account the facts and information supplied by the ANDA applicant excepting those amendments which only remove information for review.

Tier 3 amendments include:

Any solicited major amendment subsequent to the first major amendment

Any solicited minor amendment subsequent to the fifth minor amendment

Tier 1 amendment goals:

First major amendment

FDA will review and act on 60 percent of first major amendment submissions within 10 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of first major amendment submissions within 10 months from the date of submission for the year 4 cohort.

FDA will review and act on 90 percent of first major amendment submissions within 10 months from the date of submission for the year 5 cohort.

Minor amendments (first—third)

FDA will review and act on 60 percent of first through third minor amendment submissions within 3 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of first through third minor amendment submissions within 3 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of first through third minor amendment submissions within 3 months from the date of submission for the year 5 cohort.

Minor amendments (fourth—fifth)

FDA will review and act on 60 percent of fourth through fifth minor amendment submissions within 6 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of fourth through fifth minor amendment submissions within 6 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of fourth through fifth minor amendment submissions within 6 months from the date of submission for the year 5 cohort.

Except that if any Tier 1 amendment requires an inspection, the goal shall be 10 months.

Tier 2 amendment goals:

FDA will review and act on 60 percent of amendment submissions within 12 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of amendment submissions within 12 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of amendment submissions within 12 months from the date of submission for the year 5 cohort.

Tier 3 amendment goals:

There will be no GDUFA metrics for tier 3 amendments.

Review of Complete Prior Approval Supplements (PASs) (Certain amended PASs may have differing metrics as discussed above in the Amendment Review section).

FDA will review and act on 60 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2015; FDA will review and act on 60 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2015.

FDA will review and act on 75 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2016; FDA will review and act on 75 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2016.

FDA will review and act on 90 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2017; FDA will review and act on 90 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2017.

C. CONTROLLED CORRESPONDENCE METRICS

Controlled Correspondence

FDA will respond to 70 percent of controlled correspondence in 4 months from date of submission in FY 2015.

FDA will respond to 70 percent of controlled correspondence in 2 months from date of submission in FY 2016.

FDA will respond 90 percent of controlled correspondence in 2 months from date of submission in FY 2017.

If the controlled correspondence requires input from the clinical division, one additional month will be added to the goals outlined above.

In the case of controlled correspondence which raises an issue or question that is the same as or related to the issue or question that is the subject of one or more pending citizen petitions, or petitions for stay or reconsideration, the above goals will apply from the date FDA issues responses to the pending petitions.

D. CGMP INSPECTION METRICS

FDA will conduct risk-adjusted biennial CGMP surveillance inspections of generic API and generic finished dosage form (FDF) manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic firms in FY 2017.

E. BACKLOG METRICS

FDA will review and act on 90 percent of all ANDAs, ANDA amendments, and ANDA prior approval supplements regardless of current review status (whether electronic, paper, or hybrid) pending on October 1, 2012 by the end of FY 2017.

DEFINITIONS

For the purposes of this goals letter:

Act on an application—means FDA will either issue a complete response letter, an approval letter, a tentative approval letter for an ANDA, or a refuse to receive action.

Active pharmaceutical ingredient—means (A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended to be used as a component of a drug and intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or (B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become the final active pharmaceutical ingredient as defined in paragraph (A).

Backlog—refers to the queue of pending ANDAs, ANDA amendments and ANDA supplements pending as of October 1, 2012.

Delaying amendments—refers to amendments to an ANDA from the ANDA sponsor to address actions by a third party that would cause delay or impede application review or approval timing and that were not or may not have been initially recognized by FDA as necessary when the application was first submitted. FDA's Office of Generic Drugs shall have broad discretion to determine what constitutes a delaying event caused by actions generally outside of the applicants control taking into account facts and information supplied by the ANDA sponsor.

Closing out a request for a first cycle review teleconference—means: 1) holding the teleconference; or 2) responding to questions in the sponsor's teleconference request in writing in lieu of holding the teleconference.

Cohort—The program is structured based on 5 cohorts of submission dates (original ANDAs, PASs and DMFs), corresponding to the five fiscal years to be covered by the program. The year 1 cohort refers to the dates of submissions made electronically in FY 2013 (October 1, 2012 to September 30, 2013). The year 2 cohort refers to the dates of submissions made electronically in FY 2014 (October 1, 2013 to September 30, 2014). The year 3 cohort refers to the dates of submissions made electronically in FY 2015 (October 1, 2014 to September 30, 2015). The year 4 cohort refers to submissions made electronically in FY 2016 (October 1, 2015 to September 30, 2016). The year 5 cohort refers to submissions made electronically in FY 2017 (October 1, 2016 to September 30, 2017).

Complete response letter—refers to a written communication to an applicant or DMF holder from FDA usually describing all of the deficiencies that the agency has identified in an abbreviated application (including pending amendments) or a DMF that must be satisfactorily addressed before the ANDA can be approved. Complete response letters will reflect a complete review and will require a complete response from industry to restart the clock. Refer to 21 CFR 314.110 and *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/LawsActsandRules/ucm084138.htm* for additional details. When a citizen petition may impact the approvability of the ANDA, FDA will strive to address, where possible, valid issues raised in a relevant citizen petition in the complete response letter. If a citizen petition raises an issue that would delay only part of a complete response, a response that addresses all other issues will be considered a complete response.

Complete review—refers to a full division-level review from all relevant review disciplines, including inspections, and includes other matters relating to the ANDA and associated DMFs as well as consults with other agency components.

Controlled correspondence—FDA'S Office of Generic Drugs provides assistance to pharmaceutical firms and related industry regarding a variety of questions posed as ''controlled documents.'' See *http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm120610.htm*. Controlled correspondence does not include citizen petitions, petitions for reconsideration or requests for stay.

DMF or *Type II Active Pharmaceutical Ingredient Drug Master File*—means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

Electronic—refers to submissions in an all electronic eCTD format in effect at the date of submission.

Expedited review of application—While generally, review of original ANDAs, ANDA amendments and ANDA supplements are reviewed in the order received, (first-in, first-reviewed), certain applications may be identified at the date of submission for expedited review, as described in CDER's MAPP 5240.3. (See *http://www.fda.gov/downloads/AboutFDA/CentersOffices/CDER/ManualofPoliciesProcedures/ucm079787.pdf*) which includes expedited review of the original submission and amendment(s) associated with the expedited review qualifying application. Products to respond to current and anticipated public health emergencies, products under special review programs, such as the President's Emergency Plan for AIDS Relief (PEPFAR), products for which a nationwide shortage has been identified, and first generic products for which there are no blocking patents or exclusivities on the reference listed drug currently may qualify for expedited review. For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted.

Facility—means business or other entity under one management either direct or indirect and at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form, but does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing. For purposes of this definition, separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are closely related to the same business enterprise, under the supervision of the same local management, and are capable of being inspected by the Food and Drug Administration during a single inspection.

Finished Dosage Form—means (A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application; (B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or (C) any combination of an active pharmaceutical ingredient, as defined in paragraph (m)(2), with another component of a drug product for purposes of production of such a drug product.

First major deficiency application—means an ANDA which has been issued its first complete response letter classified as having major deficiency(ies).

Generic Drug Program—refers to all agency activities related to the determination of approvability of an ANDA.

Major and minor amendments—All references to ''major'' and ''minor'' amendments in this goals letter are intended to refer to the distinctions that FDA described in its Guidance for Industry: Major, Minor, Telephone Amendments to Abbreviated New Drug Applications. See *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm072888.pdf*

Parity—in reference to inspections, as between foreign and domestic facilities, means inspection at an equal frequency plus or minus 20 percent with comparable depth and rigor of inspection.

Refuse to receive—means refusal to file an application. See 21 CFR 314.101 and *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM080561.pdf1993*

Solicited amendment—an amendment submitted in response to a Complete Response letter.

Submission date—is the date an ANDA, ANDA amendment, ANDA supplement, or Type II active pharmaceutical drug master file arrives in the appropriate electronic portal of the FDA.

Prior Approval Supplements—A prior approval supplement is a submission to allow a company to make a change in a product that already has an approved ANDA. CDER must approve all important ANDA changes (in packaging or ingredients, for instance) to ensure the conditions originally set for the product are still met. (Source: *http://www.fda.gov/Drugs/InformationOnDrugs/ucm079436.htm#S)*

Unsolicited amendment—an amendment with information not requested by the FDA except for those unsolicited amendments considered routine or administrative in nature and that do not require scientific review (e.g., requests for final ANDA approval, patent amendments, general correspondence, and USP monograph updates).

FY 2013 REGULATORY SCIENCE PLAN

Topic 1: Bioequivalence of local acting orally inhaled drug products

Impact: Continue to develop new and improved PD endpoints and study designs or establishment of alternative approaches to ensure equivalent local delivery of orally inhaled drug product to the lung would lead to more efficient development of generic products in a sector that lacks any generic competition

Topic 2: Bioequivalence of local acting topical dermatological drug products

Impact: Continue developing new bioequivalence methods in order to reduce the need for relatively insensitive clinical endpoint bioequivalence studies. Development of in vitro release tests or other product characterization to ensure consistent drug release or product performance

Topic 3: Bioequivalence of local acting gastro-intestinal drug products

Impact: Developing new bioequivalence methods for direct measurement of drug concentrations in the GI tract and establishing better correlations between pharmacokinetic measurements and GI concentration would allow more efficient demonstration of bioequivalence than by clinical endpoint studies.

Topic 4: Quality by design of generic drug products

Impact: Continue developing science-based recommendations for product development, raw material, APIs and process controls, and life-cycle management of complex dosage forms (e.g. orally inhaled drug products and modified-release dosage forms)

Topic 5: Modeling and simulation

Impact: Modeling and simulation (including in-vitro and in-vivo correlations) is essential to efficient implementation of quality by design and can help to identify and eliminate unneeded in-vitro and/or in-vivo studies. Models (PK/PD, exposure-response, clinical use simulation) support generic drug evaluation policies especially for NTI drugs and complex products.

Topic 6: Pharmacokinetic studies and evaluation of anti-epileptic drugs

Impact: Improving public confidence in bioequivalent generic epilepsy drugs.

Topic 7: Excipient effects on permeability and absorption of BCS Class 3 Drugs

Impact: Extension of biowaivers to BCS Class 3 Drugs and eliminating the need for unnecessary in vivo bioequivalence studies

Topic 8: Product- and patient-related factors affecting switchability of drug-device combination products (e.g., orally inhaled and nasal drug products and injection drug products)

Impact: Establishing a systematic, science- and risk-based approach to ensure device switchability, and improving the patient's compliance and acceptability of generic devices

Topic 9: Postmarketing surveillance of generic drug usage patterns and adverse events.

Impact: Improved data collection about usage patterns (which strengths are used in which populations, extent of switchability, back switches to RLD products, medication errors) will be fed back into regulatory policy development including those for excipients and impurities. Baseline data collection on adverse event reports on switching to an authorized generic would improve the ability to investigate reports.

Topic 10: Evaluation of drug product physical attributes on patient acceptability

Impact: Laboratory and human studies on physical attributes such as tablet size, shape, coating, odor perception (residual solvents), score configuration, taste masking or color on the ability of patient to use (for example swallow) or perceive quality (for example smell) will allow OGD to provide better guidance to applicants on how these physical attributes should be controlled and compared to the RLD.

Topic 11: Postmarking assessment of generic drugs and their brand-name counterparts

Impact: Stronger public confidence in generic drugs because of pro-active responses to product concerns. An integrated response to product concerns involving laboratory investigations and post-marketing data collection.

Topic 12: Physicochemical characterization of complex drug substances

Impact: Developing analytical methods for demonstrating pharmaceutical equivalence for complex drug substances (non-small molecules) characterized by natural source origin, polydisperse mixture, and/or supramolecular structure, and therefore expanding the boundary of the generic drug program for these complex drug products

Topic 13: Develop a risk-based understanding of potential adverse impacts to drug product quality resulting from changes in API manufacturing and controls.

Impact: The ability to predict the potential impacts of manufacturing changes on product quality will allow manufacturers to target assessments and controls on high-risk areas for regulators to focus their reviews on these areas too.

FY 2014 REGULATORY SCIENCE PRELIMINARY TOPICS FOR CONSIDERATION

In addition to those topics to be identified by the Working Group described in section 3.A of this letter, topics will include recommendations for draft guidances to clarify FDA recommendations with regard to complex product development and to help limit deficiencies in applications.

BIOSIMILAR BIOLOGICAL PRODUCT AUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FOR FISCAL YEARS 2013 THROUGH 2017

FDA proposes the following goals contingent on the allocation of resources for each of the fiscal years 2013–2017 of at least the inflation-adjusted value of $20 million in non-user fee funds, plus collections of biosimilar user fees, to support the process for the review of biosimilar biological applications.

I. REVIEW PERFORMANCE GOALS

A. Biosimilar Biological Product Application Submissions and Resubmissions

FY 2013

1. Review and act on 70 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 70 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

FY 2014

1. Review and act on 70 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 70 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

FY 2015

1. Review and act on 80 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 80 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

FY 2016

1. Review and act on 85 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 85 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

FY 2017

1. Review and act on 90 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 90 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

B. Supplements with Clinical Data

1. Review and act on 90 percent of original supplements with clinical data within 10 months of receipt.

2. Review and act on 90 percent of resubmitted supplements with clinical data within 6 months of receipt.

C. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements within 6 months of receipt.

D. Goals Summary Tables

ORIGINAL AND RESUBMITTED APPLICATIONS AND SUPPLEMENTS

Submission cohort	Performance goal				
	2013	2014	2015	2016	2017
Original Biosimilar Biological Product Application Submissions	70% in 10 months of the receipt date.	70% in 10 months of the receipt date.	80% in 10 months of the receipt date.	85% in 10 months of the receipt date.	90% in 10 months of the receipt date
Resubmitted Original Biosimilar Biological Product Applications	70% in 6 months of the receipt date.	70% in 6 months of the receipt date.	80% in 6 months of the receipt date.	85% in 6 months of the receipt date.	90% in 6 months of the receipt date
Original Supplements with Clinical Data	90% in 10 months of the receipt date				
Resubmitted Supplements with Clinical Data	90% in 6 months of the receipt date				
Manufacturing Supplements	90% in 6 months of the receipt date				

II. FIRST CYCLE REVIEW PERFORMANCE

A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original biosimilar biological product applications and supplements with clinical data, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, teleconference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 74 calendar days from the date of FDA receipt of the original submission.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

B. Notification of Planned Review Timelines

1. Performance Goal: For original biosimilar biological product applications and supplements with clinical data, FDA will inform the applicant of the planned timeline for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling, postmarketing requirements, and postmarketing commitments the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 74 calendar days from the date of FDA receipt of the original submission.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding the individual biosimilar biological product application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of all applications and supplements with clinical data.

6. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling, postmarketing requirements, or postmarketing commitments by the target date identified in the planned review timeline (e.g., failure to demonstrate a biosimilar biological product is highly similar to the reference product, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMPs and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, teleconference, facsimile, secure e-mail, or other expedient means.

7. To help expedite the development of biosimilar biological products, communication

of the deficiencies identified in the application will generally occur through issuance of a discipline review (DR) letter(s) in advance of the planned target date for initiation of discussions regarding labeling, postmarketing requirements, and postmarketing commitments the Agency may request.

8. If the applicant submits a major amendment(s) (refer to Section VIII.B for additional information on major amendments) and the review division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated (under Section II.B.1 and 2) will generally no longer be applicable. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

If the review division determines that the major amendment will result in an extension of the biosimilar biological product review clock, the review division will communicate to the applicant at the time of the clock extension a new planned review timeline, including a new review timeline for communication of feedback on proposed labeling, postmarketing requirements, and any postmarketing commitments the Agency may request.

In the rare case where the review division determines that the major amendment will not result in an extension of the biosimilar biological product review clock, the review division may choose to retain the previously communicated planned review timeline or may communicate a new planned review timeline to the applicant.

The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable.

III. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

A. Review Performance Goals—Biosimilar Biological Product Proprietary Names

1. Proprietary names submitted during the biosimilar biological product development (BPD) phase

a) Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

c) If the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

d) A complete submission is required to begin the review clock.

2. Proprietary names submitted with biosimilar biological product application

a) Review 90% of biosimilar biological product application proprietary name submissions filed within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (during the BPD phase) and has received tentative acceptance.

c) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

d) If the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

e) A complete submission is required to begin the review clock.

IV. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of biosimilar biological product applications and supplements (as defined in BsUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

7. Note: If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting to allow conformance with advisory committee administrative procedures.

V. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and related issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., are the clinical endpoints adequate to assess whether there are clinically meaningful differences between the proposed biosimilar biological product and the reference product).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include any necessary clinical study or studies to prove biosimilarity and/or interchangeability (e.g., protocols for comparative clinical trials that will form the primary basis for demonstrating that there are no clinically meaningful differences between the proposed biosimilar biological product and the reference product, and protocols for clinical trials intended to support a demonstration of interchangeability). For such protocols to qualify for this comprehensive protocol assessment, the sponsor must have had a BPD Type 2 or 3 Meeting, as defined in section VIII (F and G), below, with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

4. If a protocol is reviewed under the process outlined above, and agreement with the Agency is reached on design, execution, and analyses, and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal:

For FY 2013, 70% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2014, 70% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2015, 80% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2016, 85% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2017, 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

VII. MEETING MANAGEMENT GOALS

A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request and meeting package from industry for a BPD Type 1 Meeting, or within 21 calendar days of the Agency's receipt of a request and meeting package from industry for a Biosimilar Initial Advisory Meeting or a BPD Type 2, 3, or 4 Meeting, as defined in section VIII(D–H), below, CBER and CDER should notify the requester in writing of the date, time, place, and format (i.e., a scheduled face-to-face, teleconference, or videoconference) for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90 percent of BPD Type 1 Meeting requests and within 21 days for 90 percent of Biosimilar Initial Advisory Meeting and BPD Type 2, 3 and 4 Meeting requests.

B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested.

a) Biosimilar Initial Advisory Meeting should occur within 90 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

b) BPD Type 1 Meetings should occur within 30 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

c) BPD Type 2 Meetings should occur within 75 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

d) BPD Type 3 Meetings should occur within 120 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

e) BPD Type 4 Meetings should occur within 60 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

2. Performance goal:

For FY 2013, 70% of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings are held within the timeframe.

For FY 2014, 70% of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings are held within the timeframe.

For FY 2015, 80% of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings are held within the timeframe.

For FY 2016, 85% of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings are held within the timeframe.

For FY 2017, 90% of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings are held within the timeframe.

C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance Goal: FDA will provide meeting minutes within 30 days of the date of the meeting for 90 percent of Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) and supporting documentation (i.e., the meeting package) should be submitted to the appropriate review division or office. The request should provide:

a) A brief statement of the purpose of the meeting, the sponsor's proposal for the type of meeting, and the sponsor's proposal for a face-to-face meeting or a teleconference;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A list of questions, grouped by discipline. For each question there should be a brief explanation of the context and purpose of the question.

e) A listing of planned external attendees; and

f) A listing of requested participants/disciplines representative(s) from the Center.

g) Suggested dates and times (e.g., morning or afternoon) for the meeting that are within or beyond the appropriate time frame of the meeting type being requested.

2. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for BPD Type 2, 3 and 4 Meetings will be honored except in the most unusual circumstances.

The Center may determine that a different type of meeting is more appropriate and it may grant a meeting of a different type than requested, which may require the payment of a biosimilar biological product development fee as described in section 744B of the Federal Food, Drug, and Cosmetic Act before the meeting will be provided. If a biosimilar biological product development fee is required under section 744B, and the sponsor does not pay the fee within the time frame required under section 744B, the meeting will be cancelled. If the sponsor pays the biosimilar biological product development fee after the meeting has been cancelled due to non-payment, the time frame described in section VII.A.1 will be calculated from the date on which FDA received the payment, not the date on which the sponsor originally submitted the meeting request.

Sponsors are encouraged to consult FDA to obtain further information on recommended meeting procedures.

3. FDA will develop and publish for comment draft guidance on Biosimilar Initial Advisory Meetings and BPD Type 1–4 Meetings by end of second quarter of FY 2014.

VIII. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. Goal Date Extensions for Major Amendments

1. A major amendment to an original application, supplement with clinical data, or resubmission of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

2. A major amendment may include, for example, a major new clinical safety/efficacy study report; major re-analysis of previously submitted study(ies); submission of a risk evaluation and mitigation strategy (REMS) with elements to assure safe use (ETASU) not included in the original application; or significant amendment to a previously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

3. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

4. Only one extension can be given per review cycle.

5. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. A Biosimilar Initial Advisory Meeting is an initial assessment limited to a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product, and, if so, general advice on the expected content of the development program. Such term does not include any meeting that involves substantive review of summary data or full study reports.

E. A BPD Type 1 Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (e.g. meeting to discuss clinical holds, dispute resolution meeting), a special protocol assessment meeting, or a meeting to address an important safety issue.

F. A BPD Type 2 Meeting is a meeting to discuss a specific issue (e.g., proposed study design or endpoints) or questions where FDA will provide targeted advice regarding an ongoing biosimilar biological product development program. Such term includes substantive review of summary data, but does not include review of full study reports.

G. A BPD Type 3 Meeting is an in depth data review and advice meeting regarding an ongoing biosimilar biological product development program. Such term includes substantive review of full study reports, FDA advice regarding the similarity between the proposed biosimilar biological product and the reference product, and FDA advice regarding additional studies, including design and analysis.

H. A BPD Type 4 Meeting is a meeting to discuss the format and content of a biosimilar biological product application or supplement submitted under 351(k) of the PHS Act.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, I have been saying for weeks and months that we are overdue to pass into law the Leahy-Crapo Violence Against Women Reauthorization Act, which the Senate approved in April with 68 bipartisan votes. I am disappointed that the House still has not picked up this bipartisan effort and that we are not getting the job done this year. I want everyone to know that I will be back next year, and we will get it done.

Just yesterday we were reminded again why this legislation is so important. In Colorado, a man just released from jail on domestic violence charges shot his way into a house, murdering his ex-girlfriend, and her sister, and her sister's husband, before killing himself. We have seen enough horrific violence. It is past time to act.

The Leahy-Crapo bill would support the use of techniques proven to help identify high-risk cases and prevent domestic violence homicides. It will help

us go further to prevent domestic and sexual violence and to provide services and support to all victims.

For several weeks, I have been advocating a compromise on a key provision aimed at addressing the epidemic of domestic violence against native women. I want to compliment my partner on this bill, Senator CRAPO, who has been working hard to try to bridge the divide and address concerns with the provision in our bill that gives limited jurisdiction to tribal courts to make sure that no perpetrators of domestic violence are immune from prosecution. Senator CRAPO has pushed hard and has indicated a willingness to compromise significantly, as have I. Sadly, others have continued to draw lines which would ultimately deny assistance to some of the most vulnerable victims. That is unacceptable.

I appreciate that there have at last been some renewed discussions about this bill in the House of Representatives but that is not enough. The only way to reauthorize VAWA this year is for the House to take up and pass the Senate-passed bill. If the House Republican leadership refuses to do that in the final days of this Congress, it is a shame.

I remain steadfast in my resolve to get this done and pass a good VAWA bill that protects all victims. I know Senator CRAPO shares my resolve. I know every woman in the Senate and many other Senators and House members share our resolve. I know President Obama and Vice President BIDEN share our resolve.

We will be back next year. We will introduce a good bill, and we will pass it through the Senate. We will continue our discussions, and we will work tirelessly to have a good bill enacted into law. This is not the end of our efforts to renew and improve VAWA to more effectively help all victims of domestic and sexual violence.

We know that the epidemic of violence against native women is appalling, with a recent study finding that almost three in five native women have been assaulted by their spouses or intimate partners. We know that immigrant women are particularly vulnerable, with their immigration status another weapon that abusers can use to keep power and prevent reporting. We know that some victims cannot access needed services because of their sexual orientation or gender identity. We know that women and girls on college campuses are too much at risk, and more must be done to protect them. The list goes on.

We have shown a willingness to compromise but we must make progress on all of these issues. We must make things better, and never make things worse, for the most vulnerable of victims.

The community of advocates and service providers who work every day with victims of these terrible crimes is inspiring. It was their advice on the real needs of real victims that shaped this legislation, and they have fought with us every day to get this bill enacted. I want them to know how much I value the work they do and that I will not abandon their cause. We will continue working together, and we will reauthorize VAWA.

We have seen enough violence. If we cannot get the Leahy-Crapo bill over the finish line this year, we will come back next year, and we will get it done. I look forward to other Senators joining us as we continue this vital effort.

INVEST TAXPAYER DOLLARS IN WHAT WORKS

Ms. LANDRIEU. Mr. President, as Congress continues its work addressing our Nation's looming fiscal crisis, we must also remember that we have a responsibility to our taxpayers to improve outcomes for young people and their families by driving Federal funds more efficiently toward evidence-based, results-oriented solutions.

In August, I shared promising news from my home State, where evidence-based Federal programs, including the Social Innovation Fund, the Investing in Innovation Fund, and the High Quality Charter Schools Replication and Expansion Program, are improving education and other important outcomes for thousands of young people throughout Louisiana.

Bipartisan support for investing in what works has been growing for decades.

Under the George W. Bush administration, the Office of Management and Budget put a priority on improving the performance of Federal programs and encouraged more rigorous evaluations to assess their effectiveness.

In 2010, the Simpson-Bowles Commission Report, the ''National Commission on Fiscal Responsibility and Reform,'' specifically recommended urging all Federal agency heads to ''identify ways to shift from inefficient, unproductive spending to productive, results-based investment.''

And in May of this year, the Office of Management and Budget, OMB, instructed all Federal departments and agencies to demonstrate the use of evidence throughout their fiscal year 2014 budget submissions.

At a time when America is facing enormous social and economic shifts, budget constraints at all levels of government, significant demographic changes, and an increasingly globally competitive, changing workforce, our Federal Government must continue to drive public resources toward evidence-based, results-driven solutions that work.

I believe the following principles can serve as the foundation of an ''invest in what works'' agenda: develop and use a common evidence framework to inform program design and management; use evidence, data and information about performance to inform policy and drive continuous improvement in Federal programs and grantee interventions; promote innovation and flexibility and focus on outcomes rather than simply on compliance; increasingly target investments in interventions with the strongest evidence of effectiveness, as well as support the development and rigorous evaluation of promising, innovative interventions; and, seek opportunities to promote and invest in systems and communities that are collaborating to achieve significant community-wide impact or change at scale.

I would encourage the administration to incorporate these principles in its fiscal year 2014 budget request, and to consider reserving 1 percent of Federal program funds for independent, third-party evaluations. These recommendations, which are consistent with the 2010 Simpson-Bowles report and the 2012 OMB memo on evidence and evaluation, would provide Members of Congress with reliable information to gauge program effectiveness and drive continuous improvement.

In pursuing this approach, we should remain steadfastly focused on equity and serving children and families in greatest need. Done right, an ''invest in what works'' framework can advance an equity agenda. Competitive grants can augment and help maximize the impact of important formula funding. When designing such policies, we must prioritize grantees serving children and families most in need and leverage lessons learned to improve the impact of larger scale programs. Moreover, the Federal Government should make technical assistance a priority to potentially high-impact grantees—including rural grantees—that have less expertise in preparing Federal grant applications.

I am fully committed to working with my colleagues on both sides of the aisle to help improve outcomes for young people and their families through the development and implementation of an agenda that invests in what works.

NEWTOWN, CONNECTICUT TRAGEDY

Ms. KLOBUCHAR. Mr. President, I rise today with a heavy heart to express my deepest sympathy to the families of the 28 people who were murdered last week at Sandy Hook Elementary. These last few days have been immensely painful as our nation has mourned the loss of life and desperately searched for answers that might somehow explain such a senseless act of violence.

Like all Americans, my thoughts and prayers have been and continue to be with the students, teachers, and families. But my heart especially goes out to those mothers and fathers who lost their children. As a mother, I cannot even begin to fathom the depth of their anguish.

The murder of a child is the most heinous of crimes. But the mass murder of 20 children trapped in an elementary school is an act of unspeakable

evil. There are simply no words to describe the shock, horror, and grief. There is nothing we can say to undo the horrific events of that day or to numb the wounds of the families who are grieving. The best we can hope for is that our words and prayers might somehow bring them comfort and to show them they are not alone in their sorrow.

At moments like these, the weight of despair falls heavy upon us. But we cannot forget that, even amidst the horror and sadness, there have been remarkable acts of decency. And for that, we have hope.

I think of the brave law enforcement officers and first responders who answered the call to serve and protect that day, just as they do every day. I think of the incredible outpouring of support we have seen from people across the country, most of whom have never met the victims or their families but have come forward anyway with checks, with flowers, with stuffed animals, and messages of sympathy. And of course, I think of those heroic teachers who risked, and in some cases gave their lives to save their students.

We will always remember the names and faces of people like Dawn Hochsprung and Mary Sherlach, the principal and school psychologist who died trying to disarm and dissuade gunman. They didn't think twice. They did what they knew was right.

And we will always remember 27-year-old Victoria Soto, the teacher who hid her students in closets and cabinets before bravely approaching the gunman and pointing him in the other direction. She had her whole life ahead of her, but she laid it down to save those kids.

These are the stories that keep us going. They remind us that, even in the wake of senseless violence, no individual act of evil can match the overwhelming goodness of our people. We are a resilient and fundamentally decent country, and my hope is that in the coming weeks and months we will find a way to come together to ease the pain of the families and to make some sense out of this tragedy.

TRIBUTE TO MICHAEL ALEXANDER

Mr. LIEBERMAN. Mr. President, I rise today to honor the nearly quarter of a century of public service of my friend and the staff director of the Homeland Security and Governmental Affairs Committee, Michael L. Alexander.

Mike will be leaving his position when this Congress adjourns. And he will leave quite a legacy.

Thomas Jefferson once asked the question: ''What duty does a citizen owe to the government that secures the society in which he lives?'' Answering his own question, Jefferson said: ''A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution.''

Mike answered that call in a way that would have made Jefferson proud.

Mike joined what was then the Governmental Affairs Committee as a staff member for the minority side in April 2001 and was a leader in negotiating and drafting the legislation that created the Department of Homeland Security and later the Intelligence Reform and Terrorism Prevention Act.

In recognition of his hard work and proven leadership abilities, I promoted Mike to the position of staff director in May 2006. Under his direction, the committee, through legislation and investigation, took on some of the great challenges of our time.

After Hurricane Katrina ravaged the Gulf Coast in August 2005, claiming more than 1,800 lives, the committee launched a major investigation into how American government at all levels failed so dramatically to safeguard its citizens from a predicted storm. Over the course of the investigation, the committee held 22 hearings, interviewed, 345 witnesses, and reviewed over 800,000 documents. The, ''Hurricane Katrina: A Nation Still Unprepared,'' was the most comprehensive evaluation of the Katrina catastrophe.

In 2007, the committee began a series of 14 hearings examining the root causes of violent domestic radicalization, the tactics and measures used by U.S. law enforcement at every level to prevent and deter homegrown terrorism, the role of the Internet in self radicalization, and the threat of homegrown terrorism to military personnel.

In May 2008, the committee issued a bipartisan staff report detailing the results of its investigation entitled, ''Violent Islamist Extremism, The Internet, and the Homegrown Terrorist Threat.'' The report concluded that: ''No longer is the threat just from abroad, as was the case with the attacks of September 11, 2001; the threat is now increasingly from within, from homegrown terrorists who are inspired by violent Islamist ideology to plan and execute attacks where they live. One of the primary drivers of this new threat is the use of the Internet to enlist individuals or groups of individuals to join the cause without ever affiliating with a terrorist organization.''

Following the murders at Fort Hood on Nov. 5, 2009, when Maj. Nidal Hasan—a psychiatrist trained by the U.S. Army at taxpayer expense entered the Soldier Readiness Processing Center with two loaded pistols and opened fire, killing 13 and wounding 32, the committee launched a 14-month investigation into what happened and why.

The report that followed the investigation—''A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack''—detailed flawed practices and communications, both within and between the FBI and Department of Defense, that allowed Hasan to remain in the military—and even be promoted—despite many warning signs that he was becoming dangerous.

Besides the investigations, here are just a few of the successful pieces of legislation that were passed out of the committee and enacted into law on Mike's watch: The ''Post-Katrina Emergency Management Reform Act of 2006,'' which remade and strengthened the Federal Emergency Management Agency after the failures in responding to Hurricane Katrina; the ''Honest Leadership and Open Government Act of 2007,'' which made sweeping ethics and lobbying reforms; the ''Implementing the Recommendations of the 9/11 Commission Act of 2007,'' which strengthened the Nation's security against terrorism by providing first responders with the resources they need to protect their communities from disaster, promoting interoperable emergency communications, requiring screening of cargo placed on passenger aircraft, securing mass transit, rail and buses; and improving the security of maritime cargo; ''The Inspector General Reform Act,'' passed in 2008, which sought to improve government accountability by guaranteeing that qualified individuals are appointed as IGs and that IGs remain independent; ''The Presidential Appointment Efficiency and Streamlining Act of 2011'' that addresses the increasingly slow and burdensome appointments process by, among other things, removing about 170 non-policymaking positions from the list of Presidential appointments requiring Senate confirmation, thereby allowing the Senate to focus on the most important positions; and the Stop Trading on Congressional Knowledge, STOCK Act, that ensures that Members of Congress are subject to the same insider information prohibitions as other Americans.

It is quite a record of accomplishment. And he did it all with a wonderful sense of humor, patience and civility.

Mr. President, I want to return to Thomas Jefferson for a moment, because he had another thought on public service that sums up one of Mike's greatest assets—spotting talent in young people and convincing them to use those talents in public service.

Jefferson once wrote to a friend: ''It will remain . . . to those now coming on the stage of public affairs to perfect what has been so well begun by those going off it.''

Mike may be leaving the Senate, but he leaves behind a cadre of talented and diverse individuals he recruited to join the committee and then gave increased responsibilities as their talents began to flower.

Many of these people who started out as interns or junior support staffers, have moved up the committee ranks, working on important legislation and investigations, while others have gone

on to other Congressional or executive branch offices thanks to the skills Mike helped them develop.

Prior to joining the committee, Mike served as an Executive Assistant to former Agriculture Secretary Mike Espy and had also been Espy's Legislative Director when Espy was a Congressman.

One of the joys of my Senate career was the chance to work with talented and dedicated public servants like Michael Alexander and I want to thank him for all his hard work and wish him the best of luck in whatever his next endeavor may be.

ADDITIONAL STATEMENTS

MARYLAND LEGAL SERVICES CORPORATION

• Mr. CARDIN. Mr. President, I want to congratulate Maryland Legal Services Corporation on their 30th anniversary. Established in 1982 by the Maryland General Assembly, Maryland Legal Services Corporation raises and distributes funds to nonprofit organizations that provide civil legal assistance to low-income persons.

As chairman of Maryland Legal Services Corporation from 1988–1995, I know firsthand the extraordinary service they provide to Marylanders. Maryland Legal Services Corporation's grants have enabled 35 Maryland-area nonprofits to assist individuals in matters such as eviction, foreclosure, domestic violence, child custody, veteran's benefits, and health care. To date, Maryland Legal Services Corporation has awarded more than $164 million in grants, assisting Marylanders in 2 million different legal matters.

In recent years Maryland Legal Services Corporation's mission has become even more critical, as more and more people have turned to our nonprofit community for civil legal services. Studies have shown that poor households will on average face from 1 to 3 legal problems a year, and Maryland is fortunate that Maryland Legal Services Corporation has worked tirelessly to ensure that our nonprofit civil legal service providers can assist its clients.

In the Western part of our State, a couple who were 2 months behind on their mortgage and close to foreclosure was provided a volunteer attorney from Allegany Law Foundation who helped them save their home.

In Harford County, Legal Aid successfully advocated for a woman who was being sued by her credit card company after she had paid thousands of dollars to a debt settlement company believing that the company would pay off her credit card debt. Legal Aid helped her cancel her contract, get a refund and have the lawsuit dismissed.

A man on the Eastern Shore contacted his local Maryland Legal Aid Bureau with concerns about black mold that was growing in his rental unit. The landlord refused to remedy the mold situation, so Legal Aid staff investigated the situation and helped the man escrow his rent.

Had these Marylanders not had access to civil legal assistance, what would have happened? I submit that inevitably justice suffers. Judges are put in the position of trying to provide some assistance and advice—while remaining impartial—to one or two unrepresented parties before them. Social service agencies absorb additional costs from those that are unfairly denied health care or social services benefits. Neighborhoods and communities are damaged due to unjust evictions. Families are torn apart, and domestic violence and abuse continues unabated. Public health and law enforcement costs rise. The rule of law is undermined, and Americans come to believe that justice is only for the rich, not the poor.

According to one study, each Legal Aid attorney serves over 6,800 people, while there is one private attorney for every 525 people in the nation. This is not ''Equal Justice Under Law'', as promised by the etching at the entrance to the United States Supreme Court. I am committed to help close the justice gap by giving the Federal Legal Services Corporation the resources it needs from Congress. This must include increasing its authorized level of funding and removing harmful funding restrictions regarding class action lawsuits and attorneys fees.

Maryland Legal Services Corporation's successes over the last 30 years are impressive, and while we celebrate all they have been able to do, we also recommit ourselves to ensuring that all people have access to quality legal representation, regardless of income.•

UNIVERSITY OF TEXAS WOMEN'S VOLLEYBALL CHAMPIONS

• Mrs. HUTCHISON. Mr. President, it is with great pride that I pay tribute to my alma mater, the University of Texas at Austin, and, in particular, the Texas Longhorns Volleyball team, the 2012 National Collegiate Athletic Association Division I Women's Volleyball Champion.

On Saturday, December 15, 2012, the Texas Longhorns won their third national championship for women's volleyball, and first NCAA Volleyball title since 1988. After reaching their fourth NCAA Final Four in five seasons, the Longhorns outlasted the Michigan Wolverines in five sets in the semifinal to advance to Saturday's championship match. The Longhorns then proceeded to post a .438 hitting percentage in the final—breaking an NCAA record—and swept the Oregon Ducks in three sets to earn the 2012 title.

Longhorn outside hitter Bailey Webster led the way with 14 kills and a .500 hitting percentage in the championship match. After recording 96 kills and a .458 hitting percentage during the NCAA postseason, Webster was voted as the Most Outstanding Player of the 2012 NCAA Division I Women's Volleyball Tournament. She was joined on the All-Tournament team by three Longhorn teammates: Hannah Allison, Haley Eckerman, and Sha'dare McNeal.

This was the first national championship for Jerritt Elliott, the coach of the Longhorns since 2001. Coach Elliott also guided the Longhorns to their fifth Big 12 Conference championship in six seasons and was named the 2012 American Volleyball Coaches Association AVCA Division I National Coach of the Year.

The Longhorns finished the season with a 29–4 record, and were 15–1 in conference action to claim their second straight conference title. Four Longhorn student athletes earned All-America honors. Bailey Webster and Big 12 Player of the Year Haley Eckerman were selected to the first team, and Sha'Dare McNeal and Khat Bell received honorable mention recognition.

Winning the national championship is an achievement which will long be cherished by each of these Longhorns: senior Sha'Dare McNeal; juniors Hannah Allison, Megan Futch, Sarah Palmer, and Bailey Webster; sophomores Khat Bell, Haley Eckerman, and Madelyn Hutson; freshmen Kat Brooks, Nicole Dalton, Sara Hattis, Molly McCage, and Amy Neal; coaches Jerritt Elliott, Salima Rockwell, Erik Sullivan, and special assistant Nathan Mendoza; women's athletics director Christine Plonsky; and University of Texas at Austin president Bill Powers.

One of my favorite scenes in all of Texas is found on the original Forty Acres of my alma mater. There rising 307 feet at the center of campus is the University of Texas Tower. The tower is a beacon for all Longhorns day and night, when it is flooded with light and set aglow against the nighttime sky. It is a particularly spectacular sight when Longhorn student athletes win a national championship, and the tower is bathed in burnt orange with a number ''1'' displayed on all sides to mark the achievement.

With the 2012 Women's Volleyball National Championship, the U.T. Tower has now been illuminated to celebrate 50 athletic national championships. Congratulations to the National Champion Texas Longhorns Women's Volleyball team, and Hook 'em Horns!•

• Mr. CORNYN. Mr. President, I congratulate the University of Texas women's volleyball team for their national-championship victory over the University of Oregon. The Lady Longhorns swept the Ducks 3–0 to secure their first NCAA title since 1988.

It was a fitting capstone for a remarkable season, in which the Longhorns finished 29–4 and rallied from a 2–1 deficit against Michigan in the national semifinals. Their championship game against Oregon drew the second-largest crowd in tournament history.

I salute 12 veteran Head Coach Jerritt Elliot for coaching the Longhorn volleyball squad to its third national title. I also salute Associate Head Coach Salima Rockwell, Assistant Coach Erik Sullivan, and Special Assistant Nathan Mendoza, all of whom mentored these young women and helped them reach their full potential. And, of course, I salute the players themselves, such as junior outside hitter Bailey Webster, who was named Tournament MVP; All Tournament team members Haley Eckerman, Hannah Allison, and Sha'Dare McNeal; and all the rest of the Longhorns: Ashley Bannister, Khat Bell, Kat Brooks, Nicole Dalton, Megan Futch, Sara Hattis, Madelyn Hutson, Molly McCage, Amy Neal, and Sarah Palmer.

It is my honor to join with the entire University of Texas family, as well as Longhorn fans across our great State, to celebrate their achievement. In its long and proud athletic history, the University of Texas has now won 50 national titles overall.

The Longhorn volleyball team has learned what it takes to become national champions, and the experience that each of these athletes has gained will prove invaluable in their future endeavors.●

TRIBUTE TO VICTORIA ARLEN

● Mrs. SHAHEEN. Mr. President, today I wish to recognize and honor the success of Victoria Arlen of Exeter, NH. This summer, Victoria represented the United States in a number of swimming events at the 2012 Paralympic Games in London.

Victoria Arlen is an 18-year-old young woman who 7 years ago was diagnosed with transverse myelitis, a neurological disorder that causes inflammation of a section of the spinal cord. Victoria's resulting paralysis from the waist down has not damaged her determination or her competitive spirit, and her achievements this year have been truly remarkable.

Victoria was a very active child prior to her diagnosis, and was involved in dancing, swimming, playing field hockey, lacrosse, and soccer. For more than 2 years, Victoria lived in a coma and only began swimming competitively again at the age of 16, and it came as no surprise to Victoria's family when the honors student earned a place on the U.S. Paralympic Team. In London, she competed in the 100-meter, 50-meter, 400-meter and 4x100-meter relay freestyle events and the 100-meter breaststroke event. Victoria set a world record and won a gold medal in the 100-meter freestyle, in her final competition, and earned silver medals in three of her other races.

Victoria's determination in the face of adversity and ability to accomplish her goals demonstrate her strength of spirit and her quality of character. Citizens of New Hampshire are incredibly proud of her achievements; she is a role model and an inspiration. I am confident that her success at the 2012 Paralympic Games is one great accomplishment in what is certain to be a lifetime of impressive feats.

Since 1960, the Paralympic Games have provided athletes who have certain physical disabilities the chance to compete in a broad range of sports and athletic events on the international level, providing them with an opportunity similar to that of their able-bodied counterparts. Victoria's inspiring performance throughout the 2012 Paralympic Games should serve as a reminder of the hard work and dedication required to succeed.

I applaud and congratulate Victoria for her devotion and determination. I also commend her family, including her parents, Jacqueline and Larry, and her three brothers, Cameron, LJ, and William, for their role in her success. I know that her victories give her family, her friends, the Exeter community, and the State of New Hampshire great pride.

I wish to recognize Victoria Arlen for her accomplishments and her victory in the 2012 Paralympic Games in London, and I commend her dedication, maturity, and hard work. She is truly an inspiring young woman.●

TRIBUTE TO AMANDA RENTERIA

● Ms. STABENOW. Mr. President, today I wish to pay tribute to a truly remarkable member of my staff who is leaving the Senate.

Amanda Renteria came to my office as a Legislative Assistant in 2006, and has been an integral member of my staff for the last 7 years, including serving as my legislative director and then my chief of staff for the last 4½ years.

A proud graduate of Stanford University and Harvard Business School, Amanda brought a wide range of experience with her to the Senate.

After graduating from Harvard, she worked in the private sector for a while before going back to California and working as a high school teacher and coach. She then worked for the city of San Jose before coming to Washington.

And I am so glad she did. She has been my right hand through some very challenging times.

When I asked her to become my chief of staff in 2008, she agreed and promised to stay through the 2012 election. But neither of us knew what we would face between then and now.

Amanda was with me through the Wall Street collapse and our work to reform our financial system, and her business background was an invaluable resource to me during that difficult time.

In the fall of 2008, the American auto industry nearly collapsed, and as I fought to save our automakers and the more than 1 million workers who depend on it, Amanda was right there by my side, working to make sure we kept manufacturing things in this country.

She was there as we worked with partners in the State and here in Washington to make sure the people of Michigan had a fair shot at turning things around and getting back on their feet.

During the debate on health care reform, she was a critical part of my effort to make sure we kept health care affordable, that we protected coverage for mental health care, that we closed the donut hole for seniors, and she worked with her counterparts in other offices and with industry leaders to get the best possible policies to help every family get the health insurance they need.

And in the middle of all of that, she found time to have her first son, Diego, and prove how important it was that women have access to maternity care, something I was very proud to fight for in the health care law.

And when I became Chairwoman of the Senate Agriculture Committee, she led the effort to put together an amazing team of policy experts that accomplished a legislative achievement that is rare these days—a bipartisan deficit reduction bill that passed the Senate with strong support from both parties.

And as we worked so hard all year long to pass a Farm Bill, she and her husband Pat found time to have their second son, T.J., who we were so happy to welcome this fall.

I know the people of Michigan—and this country—join me in thanking her for everything she has done during her time in public service. She may not have been born in Michigan, but after all she's done for the people back home, she's earned herself a ''Pure Michigan'' reputation of hard work and dedication.

Amanda will be missed in the Senate, but I am honored to have had her serve as my chief of staff.●

NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATION OF THE FEDERATION OF SAINT KITTS AND NEVIS AS A BENEFICIARY DEVELOPING COUNTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 64

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 Finance:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designation of the Federation of Saint Kitts and Nevis (St. Kitts and Nevis) as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a ''high-income'' country, as defined by the official statistics of the International

Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of the GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate the designation of St. Kitts and Nevis as a beneficiary developing country under the GSP program because it has become a high-income country as defined by the World Bank. Accordingly, St. Kitts and Nevis' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, *December 20, 2012*.

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse''.

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 4062. An act to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''.

H.R. 6016. An act to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.

H.R. 6166. An act to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse''.

H.R. 6633. An act to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse''.

ENROLLED BILLS SIGNED

At 3:39 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. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word ''lunatic'' from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings Montana, as the ''James F. Battin United States Courthouse''.

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

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

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

At 5:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agreed to the following resolution:

H. Res. 839. Resolution relative to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014: Mr. Larry Wortzel of Williamsburg, Virginia.

At 7:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on 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 the purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6016. An act to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 285. An act for the relief of Sopuruchi Chukwueke.

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word ''lunatic'' from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse''.

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act clarify the scope of the Economic Espionage Act of 1996.

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8623. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirotetramat; Pesticide Tolerance for Emergency Exemption'' (FRL No. 9373–2) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8624. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenzoquat; Data Call-in Order for Pesticide Tolerances'' (FRL No. 9372–9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8625. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinclorac; Pesticide Tolerances'' (FRL No. 9372–4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8626. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances, Technical Correction'' (FRL No. 9367–6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8627. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Pesticide Tolerances'' (FRL No. 9369–5) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8628. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Department of Veterans Affairs (VA) Construction, Minor Projects appropriation (Department of Treasury account symbol 36X0111); to the Committee on Appropriations.

EC–8629. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–8630. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–8631. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulations (HUDAR)'' (RIN2501–AD56) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8632. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA) Section 232 Healthcare Mortgage Insurance Program: Partial Payment of Claims'' (RIN2502–AJ04) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8633. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Authorization Validated End-User Provisions: Requirement for Notice of Export, Reexport or Transfer (In-Country) and Clarification Regarding Termination of Conditions on VEU Authorizations'' (RIN0694–AF19) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8634. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of Dates for Certain Requirements of Rule 19b-4(n) (1) and Rule 19b-4(o) (2) and Amendment of Form 19b-4'' (RIN3235-AK87) received during adjournment of the Senate in the Office of the President of the Senate on December 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8635. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Solid Waste Rail Transfer Facilities'' (RIN2140–AA92) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8636. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 32, 51 , and 69 of the Commission's Rules'' (DA 12–1552) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8637. A communication from the General Attorney, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Child-Resistant Packaging: Products Containing Imidazolines Equivalent to 0.08 Milligrams or More'' (CPSC Docket No. CPSC–2012–0005) received in the Office of the President of the Senate on December 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8638. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Department of Energy Acquisition Regulation, Government Property'' (RIN1991–AB86) received in the Office of the President of the Senate on December 17, 2012; to the Committee on Energy and Natural Resources.

EC–8639. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' (FRL No. 9730–4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8640. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Delaware County (Muncie), Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9762–9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8641. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards; Correction'' (FRL No. 9762–6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8642. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Motor Vehicle Inspection and Maintenance Program - Deletion of Final Enhanced Inspection and Maintenance Emission Cutpoint Standards'' (FRL No. 9676–3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8643. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources'' (FRL No. 9725–9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC–8644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Assessing the Feasibility of Extending the Hospital Acquired Conditions (HAC) IPPS Payment Policy to Non-IPPS Settings'' ; to the Committee on Finance.

EC–8645. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Exceptions to Disclosure Requirements under Treas. Reg. 1.6011–4(b) (5)'' (Rev. Proc. 2013–11) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC–8646. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deduction for Qualified Film and Television Production Costs'' ((RIN1545–BJ23) (TD 9603)) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC–8647. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Rev. Proc. 2012–78) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC–8648. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Cumulative List of Changes in Plan Qualification Requirements'' (Notice 2012–76) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC–8649. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Classification Settlement Program'' (Announcement 2012–45) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC–8650. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Classification Settlement Program - Temporary Eligibility Expansion'' (Rev . Proc. 2012–46) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC–8651. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxable Medical Devices'' (TD 9604) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC–8652. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Announcement 2012–25 - Extension of Time'' (Announcement 2012–50) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Finance.

EC–8653. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''FICA Taxes on Wages Paid to Residents of the Philippines for Services Performed in the Commonwealth of the Northern Mariana Islands'' (Rev. Proc. 2012–43) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Finance.

EC–8654. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–8655. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending and amending the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Material from the Pre-Columbian Cultures of Guatemala; to the Committee on Foreign Relations.

EC–8656. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Danger Pay Allowance for Tunisia; to the Committee on Foreign Relations.

EC–8657. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period August 1, 2012 through September 30, 2012; to the Committee on Foreign Relations.

EC–8658. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a report relative to section 38(f) (1) of the Arms Export Control Act (Transmittal No. DDTC F10–001); to the Committee on Foreign Relations.

EC–8659. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–151); to the Committee on Foreign Relations.

EC–8660. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–160); to the Committee on Foreign Relations.

EC–8661. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–147); to the Committee on Foreign Relations.

EC–8662. A joint communication from the Presiding Governor and the Director (International Broadcasting Bureau), Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2012; to the Committee on Foreign Relations.

EC–8663. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Mound Plant in Miamisburg, OH, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8664. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the United Nuclear Corporation in Hematite, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8665. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at Nuclear Metals, Inc. (or subsequent owner) in West Concord, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8666. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at Oak Ridge National Laboratory (X–10) in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8667. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Los Alamos National Laboratory in Los Alamos, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8668. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Weldon Spring Plant in Weldon Spring, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8669. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Mound Plant in Miamisburg, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–8670. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on December 12, 2012; to the Committee on Health, Education, Labor , and Pensions.

EC–8671. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging Report to Congress for Fiscal Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–8672. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine or Other Substance Abuse: Second Annual Report to Congress'' ; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany H.R. 2471, a bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet (Rept. No. 112–258).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3523. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes (Rept. No. 112–259).

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. CARPER:

S. 3699. A bill to amend title XVIII of the Social Security Act to include information on the coverage of intensive behavioral therapy for obesity in the Medicare and You Handbook, to provide written notification to beneficiaries and providers regarding new Medicare coverage of intensive behavioral therapy for obesity, and to provide for the coordination of programs to prevent and treat obesity, and for other purposes; to the Committee on Finance.

By Mrs. MCCASKILL:

S. 3700. A bill to amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes; to the Committee on Finance.

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

S. 3701. A bill to designate the Wovoka Wilderness and provide for certain land conveyances in Lyon County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. JOHNSON of South Dakota, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3702. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 3703. A bill to improve the ability of consumers to control their digital data usage, promote Internet use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3704. A bill to clarify the authorized uses of funds in the Crime Victims Fund; 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. LUGAR:

S. Res. 626. A resolution designating April 24, 2014, as ''Jan Karski Day'' ; to the Committee on the Judiciary.

By Mr. REID:

S. Res. 627. A resolution designating the Chairman of the Senate Committee on Appropriations; considered and agreed to.

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Maryland

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

S. 1244

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. RES. 618

At the request of Mr. WICKER, his name was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3703. A bill to improve the ability of consumers to control their digital data usage, promote Internet use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I rise today to introduce legislation which promotes innovation and the expansion of the digital economy.

Every day, each and every American grows increasingly reliant on the Internet. We use it at work, at home at school, and on the go. The Internet has changed the way we communicate, the way we share and speak, and it is transforming our economy.

As the Internet becomes increasingly important to American consumers, businesses and innovators, Internet Service Providers, or ISPs, are increasingly imposing caps on the amount of data that consumers may move over the Net. Unfortunately, because of a lack of competition in Internet broadband services, the imposition of data caps raises a public policy concern. Data caps are appropriate if they are carefully constructed to manage network congestion but as the New York Times has editorialized, they ''should not just be a way for Internet providers to extract monopoly rents.'' The imposition of data caps also risks undermining online competition and innovation as the market for digital goods and services expands.

In order to empower consumers to better manage their data usage and promote online innovation, I am sponsoring the Data Cap Integrity Act. This bill will give consumers the tools they need to manage their own data usage, institute industry-wide data measurement accuracy standards for ISPs, and impose disciplines to ensure that ISPs' data caps are truly designed to manage network congestion.

The Data Measurement Integrity Act requires the Federal Communications Commission, or FCC, to establish standards for how ISPs measure data and make certain that data caps are designed to manage network congestion rather than monetize data in ways that undermine online innovation. Furthermore, this bill ensures that consumers are provided tools to manage their data consumption and that ISPs cannot for purposes of measuring data, discriminate against any content.

Internet use is central to our lives and to our economy. Future innovation will undoubtedly require consumers to use more and more data, data caps should not impede this innovation and the jobs it creates.

I look forward to working with my colleagues and stakeholders to discuss this legislation, consider improvements to it, and work toward its adoption into law.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3704. A bill to clarify the authorized uses of funds in the Crime Victims Fund; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce a bill to clarify the use of funds in the Crime Victims Fund. I am pleased to be joined by Senator FEINSTEIN.

Federal law makes money from the Crime Victims Fund available to the Department of Justice ''for the United States Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the Federal criminal justice system, and for a Victim Notification System.'' 42 U.S.C. 10601(d)(3).

This money is used, among other purposes, to fund positions for Victim Advocates in the United States Attorneys' Offices throughout the Federal jurisdiction. These Advocates are crucial to the system.

We must make sure that DOJ uses Victim Advocates for services ''for the benefit of crime victims.''

Advocates should not be providing travel services. Advocates should not be forced to wear two hats: fact witness management and victim services. Often these hats conflict with one another at the expense of victims.

According to a letter from John W. Gillis, the former Director of the Office for Victims of Crime, U.S. Department of Justice, ''Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, changes to travel and lodging arrangements for witnesses, reconciling errors, handling with hotels, and seeking approval for government employee witnesses. This runs counter to the law and is a matter of serious concern.''

Here is a sample of U.S. Attorney websites, which shows that Advocates make witness travel arrangements.

FLORIDA

Services provided to crime victims and witnesses by the U.S. Attorney's Office include: notice of case events; information concerning their rights; information about case proceedings and the criminal justice system in general; referrals to medical and/or social service providers; assistance with travel arrangements; and logistical information concerning transportation, parking, child care, etc.

http://www.justice.gov/usao/fln/programs/VW/vwa.html

VERMONT

The The U.S. Attorney's Office Victim and Witness Assistance Program can assist eligible Federal crime victims and witnesses with the following:

Provide logistical information and assistance to witnesses with respect to directions, transportation, parking, witness fees and travel reimbursement; assistance with airline and lodging arrangements is provided for out-of-state witnesses;

http://www.justice.gov/usao/vt/victim_witness/vw_uaservices.html

NORTHERN DISTRICT OF ALABAMA

If you have been subpoenaed to testify on behalf of the federal government and you are not a federal government employee, you are entitled to certain fees for coming to court. These are the types of fees that federal fact witnesses are entitled to:

$40.00 for each day that you have to be available to testify, plus travel days.

Reimbursement for round-trip mileage to and from the courthouse at the current government mileage reimbursement rate if you drove your privately-owned vehicle.

Reimbursement for parking, taxis, and excess baggage fees. All of these claims must be supported by receipts. If you choose to mail your receipts to the USAO at a later time, please advise the USAO staff member assisting you that you will do so in order for us to include these amounts in your reimbursement.

A daily meal allowance based on the current government meal allowance rate if you are away from home overnight. You are not required to provide receipts for your meals.

To receive these entitlements, you are required to complete a form referred to as an OBD–3, Fact Witness Voucher. Our Victim-Witness staff will assist you in completing the form. If you have not completed your form prior to being dismissed from court, please contact them at the numbers set out earlier.

If you are away from home overnight, we will make travel, air, train, or bus fare, and lodging arrangements for you. If you need to make changes in these arrangements, we must make the changes for you.

http://www.justice.gov/usao/aln/federalwitness.html

WESTERN DISTRICT OF TENNESSEE

As a victim or witness, you may have questions about transportation, the location of the courthouse, food service, or where to go and what time to appear. You should feel free to ask either the case agent, the Assistant United States Attorney, or the Victim-Witness Coordinator about them. If you are an out-of-town witness, you must contact the Victim-Witness Coordinator to make all your travel arrangements, the federal government is very specific on when it can and cannot reimburse witnesses.

http://www.justice.gov/usao/tnw/brochures/vwhandbook.html

NEW HAMPSHIRE

Fact Witness: ''a person whose testimony consists of the recitation of facts or events.'' The Victim Witness Specialist provides information and education about the judicial process and assists witnesses who are subpoenaed to testify in a federal court proceeding with travel arrangements and other needs and may come up relating to their appearance in court. The Victim Witness Specialist often accompanies the witness to the courtroom to ensure the witness's safety and to address any concerns the witness may have while waiting to testify.

http://www.justice.gov/usao/nh/aboutus/divisions/vicwitdiv.html

The interests of victims of serious federal crimes, including crimes of violence, such as rape, child molestation, and horrific homicides, whose needs are immediate and complex, should not be subordinated to the demands of administrative duties unrelated to Congress' purposes for the Crime Victims Fund.

Fact Witness travel responsibilities directly hinder victim services by prolonging crisis response or intervention techniques to help traumatized and grieving victims, delaying coordination with other social service agencies to help victims of violence, decreasing time for Advocates to meet with victims to assess their immediate safety needs and address them, and delaying or denying time to develop rapport and help victims understand their rights and the criminal justice process.

Victims often find the system overwhelming and it is critical for the Advocates to be able to meet with them to explain their rights and speak personally to them to develop trust. Advocates must have time to address specific victim centered issues.

Many problems arise if Advocates do not have such time: delaying or denying time to implement effective strategies for reducing on-going trauma and stress; delaying or denying time to improve support systems and help victims overcome the community pressures they may experience due to aiding the prosecution; delaying or denying time to seek resources to meet the needs of victims; delaying or denying time to assist victims with impact statements; delaying or denying time to help victims collect restitution information and associated receipts; delaying or denying time to effect safety assessment and planning which can change with time; interrupting court accompaniment, leaving victims to deal with a process that is intimidating and confusing, often forcing victims, including child victims, to face the defendant alone without the emotional support, guidance, and advocacy to which they are entitled; preventing the Advocate's ability to assess the victim's on-going safety needs, which can change with time; preventing timely follow up and forcing delay finding additional resources or referrals to meet the needs of the victims; and preventing proper trial preparation and court room orientation. Trial preparation is a vulnerable time for victims who often feel exposed, scared, and vulnerable. It can trigger a variety of emotions and reactions as they prepare to testify about the specific events related to the crime.

There are other harmful effects of the travel work. Advocates are unable to regularly participate in victim-centered meetings with state, local, and federal agencies. This limits the Advocates' ability to learn about new resources, work together in adapting new strategies to help victims, share in information that is necessary to assist victims in the process, develop best practices, planning to reduce stress and trauma, learning about specific victim issues and current research to address some of the issues, provide community outreach, and develop training tools to educate the community to increase awareness on victim rights issues.

It is the intent of Congress by this amendment to make it clear that the funds authorized for victims services under section 42 U.S.C. 10601(d)(3) be clearly limited to those purposes including the work of victim advocates, victim advocate supervisors, and their direct support staff so that none of the money available is used for purposes that do not benefit crime victims.

Mr. President, I ask unanimous consent that a letter of support and the text of the bill be printed in the RECORD.

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

DECEMBER 14, 2012.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building, Washington, DC.
Senator JON KYL,
Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL, I served as the Director, Office for Victims of Crime, U. S. Department of Justice from September, 2001 to January, 2009. During that period it was our ongoing struggle with EOUSA to restrict spending VOCA funds to victims of crime and not to use funds for witnesses who were not victims of crime.

Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, making changes to travel and lodging arrangements for witnesses, reconciling errors, handling issues with hotels, and seeking approval for government employee witnesses. This runs counter to the law and is a matter of serious concern.

Respectfully,

JOHN W. GILLIS,
Former Director, Office for Victims of Crime,
U.S. Department of Justice.

S. 3704

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

SECTION 1. CRIME VICTIMS FUND.

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C.10601(d)(3)) is amended by—

(1) inserting ''(A)'' before ''Of the sums''; and

(2) by adding at the end the following:

''(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in subparagraph (A).''.

Mrs. FEINSTEIN. Mr. President, I rise today to join my friend and colleague, Senator KYL, in introducing legislation that will ensure that monies in the Crime Victims Fund are used for their intended purpose, to help victims of crime.

Senator KYL and I have long worked together to improve the treatment of victims in our criminal justice system. In 2004, we passed the Crime Victims' Rights Act. Because of that legislation, for the first time, victims were given the right to be heard in what is really their own case, and to participate in the proceedings against the accused.

The legislation we are introducing today will strengthen another area of federal law that has a profound impact on the ability of victims to navigate the criminal justice system. In 1984, Congress established the Crime Victims Fund to provide support for victim compensation and assistance programs. This past year, $37 million from the Crime Victims Fund was used to support over 300 victim-witness coordinators and specialists within the Department of Justice's 93 U.S. Attorney's Offices and the FBI's 56 field offices. These personnel advise victims of their rights, update victims on the status of criminal proceedings against the accused, and otherwise assist victims with understanding the operation of the judicial system.

However, it was recently brought to the attention of Senator KYL and myself that these victim-witness coordinators and specialists are being asked to perform duties unrelated to the provision of services for victims. The diversion of funds from victim services prompted the National Organization for Victim Assistance to send a letter this past June, which I am submitting for the record, calling on Congress to clarify the purposes for which monies in the Crime Victims Fund may be used. Senator KYL's and my legislation would do just that. It will make clear that resources available under the Crime Victims Fund may be used only to support services for victims.

A person who is a victim of a crime may have never stepped foot inside a courtroom or had any other interaction with our legal system prior to the commission of the crime. Yet, so much is at stake for that victim when the accused is prosecuted. Congress established the Crime Victims Fund to ensure that victims are able to fully participate in their case. We must make certain that 100 percent of these funds are used to support victims during their time of great need.

The legislation Senator KYL and I are introducing today has already passed out of the Judiciary Committee as part of the Justice For All Reauthorization Act of 2011. While that broader legislation has unfortunately stalled, it is my hope that the Senate and House can quickly pass this one specific, uncontroversial piece, to ensure that victims of crime have all the support that they need and deserve.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 626—DESIGNATING APRIL 24, 2014, AS ''JAN KARSKI DAY''

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas Jan Karski was born on April 24, 1914, in Lodz, Poland;

Whereas Jan Karski escaped the Soviet massacre in the Katyn forest in 1940;

Whereas Jan Karski became a key emissary in the Polish underground resistance against Nazi occupation;

Whereas Jan Karski chose to risk his own life by staying in Poland after escaping a prisoner of war camp and enduring Gestapo torture in order to provide critical intelligence to the Allied war effort and alert Allied governments about the Holocaust;

Whereas Jan Karski provided eyewitness testimony during the war about the horrors in occupied Poland to British Foreign Minister Anthony Eden and United States President Franklin Roosevelt;

Whereas Jan Karski enrolled in Georgetown University after World War II and earned a doctor of philosophy in 1952;

Whereas Jan Karski became a United States citizen and taught at Georgetown University for 40 years, dedicating the rest of his life to ensuring that the full extent of the Nazi atrocities are never forgotten; and

Whereas Jan Karski was awarded the Presidential Medal of Freedom posthumously on May 29, 2012, 1 of the highest civilian honors in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 24, 2014, as ''Jan Karski Day'';

(2) recognizes the life and legacy of Dr. Jan Karski and expresses its gratitude for his efforts in informing the free world of the atrocities committed by Nazi and totalitarian forces in Poland during World War II;

(3) applauds the awarding of the Presidential Medal of Freedom to Jan Karski for his efforts during World War II and in reaffirming the importance of the United States-Polish bilateral relationship; and

(4) requests that the Secretary transmit an enrolled copy of this resolution to the family of Jan Karski and to the Ambassador of Poland to the United States.

SENATE RESOLUTION 627—DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 627

Resolved, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. PAUL 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 3409. Mr. PAUL 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 3410. Mr. PAUL 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 3411. Mr. COONS (for himself and Mr. CARPER) 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 3412. Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. WYDEN, and Mr. WEBB) 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 3413. Mr. CARPER (for himself and Mr. COONS) 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 3414. Mr. CARPER (for himself and Mr. COONS) 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 3415. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3416. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3417. Mr. LIEBERMAN 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 3418. Mr. LIEBERMAN 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 3419. Mr. NELSON, of Florida 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 3420. Mr. COCHRAN 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 3421. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3422. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3421 submitted by Mrs. FEINSTEIN (for herself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3423. Mr. DURBIN (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

SA 3424. Mr. DURBIN (for Mr. BEGICH) proposed an amendment to the bill S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 3408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

SA 3409. Mr. PAUL 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. ___. BUDGET OFFSET AND ELIMINATING THE EMERGENCY DESIGNATION.

(a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to $60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions amounts shall not reduce the combined aggregate budget authority of those accounts and programs below $5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in that section shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(b) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to including subsection (a)(2), the allocation of rescissions from the accounts or programs as specified in subsection (a)(1), shall be determined by the Director of the Office of Management and Budget.

(c) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 3410. Mr. PAUL 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. ___. BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal $8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7,

8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office's cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed $8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed $81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed $192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed $42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed $673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed $437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed $6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed $147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed $85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed $23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed $613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount reduced in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

(b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to $8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below $5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

(d) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 3411. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 13, after ''1985'' insert '': *Provided further*, That the Secretary may carry out projects that will restore or enhance National Wildlife Refuges using amounts made available under this heading in areas for which a major disaster declaration for Hurricane Sandy has been made pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), which projects may be carried out in cooperation with the Secretary of the Army, acting through the Chief of Engineers''.

SA 3412. Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. WYDEN, and Mr. WEBB) 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 3413. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 9, after ''funds:'' insert ''*Provided further*, That for these projects, the Secretary shall work with the Administrator of the National Oceanic and Atmospheric Administration, the Director of the National Park Service, and the Director of the United States Fish and Wildlife Service to encourage the beneficial use of sediment to enhance ecosystem restoration and storm protection, including through modifications of existing regional sediment management plans: *Provided further*, That for these projects, the Secretary shall incorporate all values accruing to the established business lines of the Corps of Engineers (navigation, flood protection, environmental enhancement) in the benefits calculation:''.

SA 3414. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 22, after ''projects'' insert '', with such modifications as the Secretary determines to be necessary to meet the goal of providing sustainable reduction to flooding and storm damage risks''.

SA 3415. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike lines 8 through 23 and insert the following:

''(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

''(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

''(i) the work is not typically performed by the employees; and

''(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

''(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

''(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure 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.).

''(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.''.

SA 3416. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and

for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 10, strike ''and'' and all that follows through line 12 and insert the following:

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

(iv) for which the applicant has received a decision on a first appeal.

SA 3417. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) HOUSES OF WORSHIP.—For purposes of providing assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) relating to Hurricane Sandy, the term ''private nonprofit facility'' shall include a house of worship.

(n) APPLICABILITY.—Unless otherwise specified,

SA 3418. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) HOUSES OF WORSHIP.—Section 102(10)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(10)(B)) is amended by inserting ''houses of worship and'' before ''any private nonprofit facility''.

(n) APPLICABILITY.—Unless otherwise specified,

SA 3419. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 14, strike ''2012:'' and insert ''2012 and related to a fishery disaster that was requested during calendar year 2012 and declared by the Secretary after the date of the enactment of this Act:''.

SA 3420. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 1106. MEDICARE DIRECT PAYMENT TO PHARMACIES FOR CERTAIN COMPOUNDED DRUGS THAT ARE PREPARED BY THE PHARMACIES FOR A SPECIFIC BENEFICIARY FOR USE THROUGH AN IMPLANTED INFUSION PUMP.

(a) IN GENERAL.—The first sentence of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)) is amended—

(1) by striking ''and'' before ''(H)''; and

(2) by inserting before the period at the end the following: '', and (I) in the case of covered compounded drugs that are prepared by a pharmacy for a specific individual, are dispensed, directly or indirectly, to the individual, are necessary for the effective use of, or therapeutic benefit from, an implanted infusion pump (regardless who refills the pump), and are billed directly by the pharmacy, payment shall be made to the pharmacy''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after the date of the enactment of this Act.

SA 3421. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Viz: On Page 16, strike lines 17 through 20, and insert in lieu thereof:

''*Provided further*, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks along the Atlantic coast within the North Atlantic or the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: *Provided*''.

SA 3422. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3421 submitted by Mrs. FEINSTEIN (for herself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1 line 2, strike ''risks'' and all that follows through ''impacts'' on line 4, and insert in lieu thereof:

risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts

---

SA 3423. Mr. DURBIN (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary's conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed to the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) CONDITIONS.—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–11(c)(2)(B)).

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—Replat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) KOTZEBUE QUARTERS AKA NANA SITE.—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in section 2 on or before the date on which all of the properties described in section 2 were conveyed by quitclaim deed.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

SA 3424. Mr. DURBIN (for Mr. BEGICH) proposed an amendment to the bill S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes; as follows:

On page 50, line 20, strike ''by section 5'' and insert ''by section 4(a)''.

On page 55, lines 1 and 2, strike '', by and with the advice and consent of the Senate''.

On page 56, strike lines 9 through 19.

On page 58, line 15, strike ''alone''.

On page 58, line 19, strike ''alone''.

On page 59, line 4, strike ''alone''.

On page 61, line 22, strike ''such Act'' and insert ''the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002''.

On page 85, strike lines 1 through 12.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 20, 2012.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 20, 2012, at 2:30 p.m., in room SD–215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 20, 2012, at 9 a.m., to hold a hearing entitled, ''Benghazi: The Attacks and the Lessons Learned.''

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 20, 2012, in SD–226 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 20, 2012, at 11 a.m., to conduct a hearing entitled ''Recovering From Superstorm Sandy: Rebuilding Our Infrastructure.''

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

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Janet Jacqueline Emanuel, a fellow in Senator MARK UDALL's office, be granted the privilege of the floor for the remainder of the Senate's session of the 112th Congress.

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

MANIILAQ ASSOCIATION CONVEYANCE ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, H.R. 443.

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

The legislative clerk read as follows:

A bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I further ask that the Murkowski substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be considered made and laid on the table, with no intervening action or debate; and that any statements be printed in the RECORD.

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

The amendment (No. 3423) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary's conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed to the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) CONDITIONS.—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–11(c)(2)(B)).

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—Replat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) KOTZEBUE QUARTERS AKA NANA SITE.—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in section 2 on or before the date on which all of the properties described in section 2 were conveyed by quitclaim deed.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

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

The bill (H.R. 443), as amended, was read the third time and passed.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4053, which was just received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud and abuse within Federal spending.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, with no intervening action or debate and that any related statements be printed in the RECORD.

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

The bill (H.R. 4053) was ordered to a third reading, was read the third time, and passed.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 551, S. 2388.

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

The legislative clerk read as follows:

A bill (S. 2388) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the committee

on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2012''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Strength and distribution in grade.
Sec. 3. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.
Sec. 4. Obligated service requirement.
Sec. 5. Training and physical fitness.
Sec. 6. Appointments.
Sec. 7. Personnel boards.
Sec. 8. Temporary appointments.
Sec. 9. Officer candidates.
Sec. 10. Involuntary retirement or separation.
Sec. 11. Separation pay.
Sec. 12. Applicability of certain provisions of title 10, United States Code.
Sec. 13. Education loan repayment program.
Sec. 14. Interest payment program.
Sec. 15. Student pre-commissioning education assistance program.
Sec. 16. Limitation on educational assistance.
Sec. 17. Applicability of certain provisions of title 37, United States Code.
Sec. 18. Application of certain provisions of competitive service law.
Sec. 19. Eligibility of all members of uniformed services for Legion of Merit award.
Sec. 20. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.
Sec. 21. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.
Sec. 22. Criminal penalties for wearing uniform without authority.
Sec. 23. Report on status of officers in commissioned officer corps of National Oceanic and Atmospheric Administration and Public Health Service during Government shutdowns.
Sec. 24. Technical correction.
Sec. 25. Report.
Sec. 26. Effective date.

SEC. 2. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) PROPORTION.—

''(1) IN GENERAL.—The officers on the lineal list shall be distributed in grade in the following percentages:

''(A) 8 in the grade of captain.
''(B) 14 in the grade of commander.
''(C) 19 in the grade of lieutenant commander.

''(2) GRADES BELOW LIEUTENANT COMMANDER.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 3. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 4. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 5. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.), as amended by section 5, is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness in preparation for functioning as a service in the Navy during times of war, including by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 4(b), is further amended by inserting after the item relating to section 216, as added by such section 4(b), the following:

''Sec. 217. Training and physical fitness.''.

SEC. 6. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021) is amended to read as follows:

"SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term 'military service academies of the United States' means the following:

''(A) The United States Military Academy, West Point, New York.

''(B) The United States Naval Academy, Annapolis, Maryland.

''(C) The United States Air Force Academy, Colorado Springs, Colorado.

''(D) The United States Coast Guard Academy, New London, Connecticut.

''(E) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President, by and with the advice and consent of the Senate.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

(b) APPOINTMENTS TO PERMANENT GRADES.—Section 226 of such Act (33 U.S.C. 3026) is amended by striking ''Appointments'' and all that follows and inserting the following:

''(a) HIGHER GRADES.—Original appointments under section 221 in and promotions to the grades of lieutenant commander and above shall be made by the President, by and with the advice and consent of the Senate.

''(b) LOWER GRADES.—Original appointments under section 221 in and promotions to the grades of ensign through lieutenant shall be made by the President alone.''.

SEC. 7. PERSONNEL BOARDS.

Section 222 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022) is amended to read as follows:

"SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.''.

SEC. 8. TEMPORARY APPOINTMENTS.

Section 229 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3029) is amended to read as follows:

"SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President alone.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President alone.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President alone. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

SEC. 9. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to

authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212 of such Act (33 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 10. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 11. SEPARATION PAY.

Section 242 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

SEC. 12. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.

Section 261(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

SEC. 13. EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 14. INTEREST PAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by section 13, is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and

allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 13(b), is further amended by inserting after the item relating to section 267, as added by such section 13(b), the following:

''Sec. 268. Interest payment program.''.

SEC. 15. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 and 14, is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 14(c), is further amended by inserting after the item relating to section 268, as added by such section 14(c), the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 16. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 13(a)), section 268 of such Act (as added by section 14(a)), and section 269 of such Act (as added by section 15(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 9(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of such Act (as added by section 9(c)).

SEC. 17. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 through 15, is further amended by adding at the end the following:

''SEC. 270. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 428, relating to allowances for recruiting expenses.

''(6) Section 435, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration when the commissioned officer corps is not operating as a service in the Navy, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 15(b), is further amended by inserting after the item relating to section 269, as added by such section 15(b), the following:

''Sec. 270. Applicability of certain provisions of title 37, United States Code.''.

SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 21. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)), as amended by section 12, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 23. REPORT ON STATUS OF OFFICERS IN COMMISSIONED OFFICER CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND PUBLIC HEALTH SERVICE DURING GOVERNMENT SHUTDOWNS.

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report that details whether officers of the commissioned officer corps of the National Oceanic and Atmospheric Administration and the Public Health Service are treated as performing an essential level of activity to protect life and property during any period of a lapse in appropriations.

SEC. 24. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

SEC. 25. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

SEC. 26. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 2 through 22 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 25(a).

Mr. DURBIN. Mr. President, I further ask unanimous consent that the committee-reported substitute amendment be considered; the Begich amendment, which is at the desk, be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table with no intervening action or debate; and that any statements be printed in the RECORD.

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

The amendment (No. 3424) was agreed to, as follows:

On page 50, line 20, strike ''by section 5'' and insert ''by section 4(a)''.

On page 55, lines 1 and 2, strike '', by and with the advice and consent of the Senate''.

On page 56, strike lines 9 through 19.

On page 58, line 15, strike ''alone''.

On page 58, line 19, strike ''alone''.

On page 59, line 4, strike ''alone''.

On page 61, line 22, strike ''such Act'' and insert ''the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002''.

On page 85, strike lines 1 through 12.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2388) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2388

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2012''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Strength and distribution in grade.
Sec. 3. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.
Sec. 4. Obligated service requirement.
Sec. 5. Training and physical fitness.
Sec. 6. Appointments.
Sec. 7. Personnel boards.
Sec. 8. Temporary appointments.
Sec. 9. Officer candidates.
Sec. 10. Involuntary retirement or separation.
Sec. 11. Separation pay.
Sec. 12. Applicability of certain provisions of title 10, United States Code.
Sec. 13. Education loan repayment program.
Sec. 14. Interest payment program.
Sec. 15. Student pre-commissioning education assistance program.
Sec. 16. Limitation on educational assistance.
Sec. 17. Applicability of certain provisions of title 37, United States Code.
Sec. 18. Application of certain provisions of competitive service law.
Sec. 19. Eligibility of all members of uniformed services for Legion of Merit award.
Sec. 20. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.
Sec. 21. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.
Sec. 22. Criminal penalties for wearing uniform without authority.

Sec. 23. Technical correction.
Sec. 24. Report.
Sec. 25. Effective date.

SEC. 2. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3004) is amended to read as follows:

"SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) PROPORTION.—

''(1) IN GENERAL.—The officers on the lineal list shall be distributed in grade in the following percentages:

''(A) 8 in the grade of captain.
''(B) 14 in the grade of commander.
''(C) 19 in the grade of lieutenant commander.

''(2) GRADES BELOW LIEUTENANT COMMANDER.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 3. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 4. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 5. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.), as amended by section 4(a), is further amended by adding at the end the following:

"SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness in preparation for functioning as a service in the Navy during times of war, including by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 4(b), is further amended by inserting after the item relating to section 216, as added by such section 4(b), the following:

''Sec. 217. Training and physical fitness.''.

SEC. 6. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021) is amended to read as follows:

"SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term 'military service academies of the United States' means the following:

''(A) The United States Military Academy, West Point, New York.

''(B) The United States Naval Academy, Annapolis, Maryland.

''(C) The United States Air Force Academy, Colorado Springs, Colorado.

''(D) The United States Coast Guard Academy, New London, Connecticut.

''(E) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 7. PERSONNEL BOARDS.

Section 222 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.''.

SEC. 8. TEMPORARY APPOINTMENTS.

Section 229 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

SEC. 9. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 10. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before

the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 11. SEPARATION PAY.

Section 242 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

SEC. 12. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.

Section 261(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

SEC. 13. EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 14. INTEREST PAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by section 13, is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 13(b), is further amended by inserting after the item relating to section 267, as added by such section 13(b), the following:

''Sec. 268. Interest payment program.''.

SEC. 15. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 and 14, is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 14(c), is further amended by inserting after the item relating to section 268, as added by such section 14(c), the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 16. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 13(a)), section 268 of such Act (as added by section 14(a)), and section 269 of such Act (as added by section 15(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 9(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of such Act (as added by section 9(c)).

SEC. 17. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 through 15, is further amended by adding at the end the following:

''SEC. 270. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 428, relating to allowances for recruiting expenses.

''(6) Section 435, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration when the commissioned officer corps is not operating as a service in the Navy, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 15(b), is further amended by inserting after the item relating to section 269, as added by such section 15(b), the following:

''Sec. 270. Applicability of certain provisions of title 37, United States Code.''.

SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 21. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)), as amended by section 12, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 23. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

SEC. 24. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

SEC. 25. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 2 through 22 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 25(a).

ELIMINATING THE ''ADULT ENTERTAINMENT'' SECTION OF THE CLASSIFIED ADVERTISING WEB SITE BACKPAGE.COM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 439 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) 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.

There being no objection, the Senate proceeded to consider the resolution.

• Mr. KIRK. Mr. President, we often hear and read about stories of young boys and girls in foreign countries forced into sexual slavery. Helpless children as young as 11 and 12 years old are threatened, abused, raped, and sold for sex. But we rarely hear about the child sex trafficking that happens here at home in Chicago, New York, Atlanta, Miami, and most major metropolitan cities in the United States. Experts estimate that each year as many as 300,000 children are at risk of commercial sexual exploitation in the U.S. An alarming 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved the sexual exploitation of a child, according to a Bureau of Justice Statistics report.

The numbers are rising, in part because it has become frighteningly simple to order a child prostitute on the Internet. One merely needs to look at the classified ads on Backpage.com, the leading Web site for prostitution advertising in the United States according to the Advanced Interactive Media, AIM, Group. The website's ''adult entertainment'' section generates more than 80 percent of total prostitution advertising revenue on the web. This section includes services such as ''escorts'' and ''body rubs,'' a thinly veiled code for prostitution. Just a few clicks on this site easily enables ''johns'' to purchase children for sex. Law enforcement believes that the existence of Backpage encourages the recruitment of victims for sexual exploitation because it allows traffickers to operate out of sight from police patrols.

Backpage.com is owned and operated by Village Voice Media Holdings, the former parent company of the alternative weekly Village Voice publications. The company, which makes an estimated $26 million per year from these ads, claims it polices the ads on its site, but the statistics and devastating reports say otherwise. According to the National Association of Attorneys General, 23 States have cumulatively filed more than 50 charges against suspects trafficking minors on Backpage.com.

In August 2011, nine members of the Vice Lords and other south and west side of Chicago gangs were charged with operating a major sex trafficking ring. Some of the girls forced into sexual slavery were as young as 12 years old. Victims suffered immense abuse, including beatings, branding, tattooing, death threats, being locked in car trunk, and forced to sleep outside even in cold Chicago winters. The gang members used Backpage.com to facilitate their operation.

In August 2012, Marques Williams was arrested and charged with a Federal sex trafficking complaint for trafficking a 15-year-old girl in Rochester, NY. Advertising the young girls services on Backpage.com, Williams forced her to take up to 15 customers a day.

In December 2012, Fernando Gonzales was sentenced to 20 years in prison for child sex trafficking. Fernando raped and impregnated a 16-year-old girl, then forced her into prostitution and advertised her services on Backpage.com. When the victim tried to escape, Fernando threatened to kill her and her child and then carved his initial into her arm.

Unfortunately, there are too many stories like these. As news reports of

pimps and traffickers using Backpage.com to advertise sexual services by minors continue to increase, we cannot leave our children defenseless. The profit-first mentality at Village Voice Media, which prioritizes the rights of pimps, not children, must end.

Fifty-one attorneys general, 36 clergymen, dozens of anti-trafficking organizations, columnists and editorial boards across the country, and 240,000 individuals through change.org have called on Village Voice Media to shutdown the ''adult entertainment'' section on Backpage.com. Even John Buffalo Mailer, son of Village Voice's cofounder, publicly urged Backpage.com to eliminate the section.

Over the past year, I joined with several of my colleagues in a bipartisan fashion to work to prevent children from being exploited and trafficked on Backpage.com. In March 2012, 18 Senators joined me in a letter to the Chairman and CEO of Village Voice Media Holdings, demanding the elimination of the adult entertainment section on the classified advertising Web site. I then led an effort to bring to the attention of those advertising on Village Voice publications the kinds of activities supported by the company. As a result, eight companies and organizations responded to our letter announcing the end of their advertising relationship with the publications. This had a clear effect, as a number of then-executives at Village Voice Media Holdings spun off the weekly publications as a new company in an apparent effort to circumvent the public relations disaster Backpage.com rightly caused Village Voice Media. But children continue to be bought and sold on Backpage.com.

Senator BLUMENTHAL and I introduced S. Res. 439 as part of this effort to curb online child sexual exploitation. The legislation calls on Village Voice Media Holdings to eliminate the ''adult entertainment'' section of Backpage.com. By passing S. Res. 439, the U.S. Senate will present a united front in the fight against online child sex trafficking. We will be making it clear that the American public strongly condemns the facilitation and perpetuation of human trafficking by website operators. I want to especially thank Senators BLUMENTHAL, RUBIO, and CORNYN for their great partnership and leadership on this effort, hope the rest of our colleagues will join us and pass S. Res. 439.●

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 439

Whereas, according to the Department of Justice, there was a 59 percent increase in identified victims of human trafficking worldwide between 2009 and 2010;

Whereas, according to the Department of Health and Human Services, human trafficking is the fastest-growing criminal enterprise in the world;

Whereas experts estimate that up to 300,000 children are at risk of sexual exploitation each year in the United States;

Whereas experts estimate that the average female victim of sex trafficking is forced into prostitution for the first time between the ages of 12 and 14, and the average male victim of sex trafficking is forced into prostitution for the first time between the ages of 11 and 13;

Whereas the Bureau of Justice Statistics found that 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved prostitution of a child or the sexual exploitation of a child;

Whereas, according to the classified advertising consultant Advanced Interactive Media Group (referred to in this preamble as ''AIM Group''), Backpage.com is the leading United States website for prostitution advertising;

Whereas Backpage.com is owned by Village Voice Media Holdings, LLC (referred to in this preamble as ''Village Voice Media'');

Whereas the National Association of Attorneys General tracked more than 50 cases in which charges were filed against persons who were trafficking or attempting to traffic minors on Backpage.com;

Whereas Myrelle and Tyrelle Locket—

(1) in February 2011 were each sentenced to 4 years in prison on charges of trafficking of persons for forced labor or services for operating an Illinois sex trafficking ring that included minors; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Arthur James Chappell—

(1) in March 2011 was sentenced to 28 years in prison on charges of sex trafficking of a minor for running a prostitution ring with at least 1 juvenile victim in Minnesota; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Brandon Quincy Thompson—

(1) in April 2011 was sentenced to life imprisonment on charges of sex trafficking a child by force for running a South Dakota prostitution ring that involved multiple underage girls; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Clint Eugene Wilson—

(1) in May 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor by force, fraud, or coercion for forcing a 16-year-old Dallas girl into prostitution, threatening to assault her, and forcing her to get a tattoo that branded her as his property; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Demetrius Darnell Homer—

(1) in August 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor for violently forcing a 14-year-old Atlanta girl into prostitution, controlling her through beatings, threatening her with a knife, shocking her with a taser in front of another underage girl whom he had placed in prostitution, and forcing her to engage in prostitution while she was pregnant with his child; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Leighton Martin Curtis—

(1) in February 2012 was sentenced to 30 years in prison on charges of sex trafficking of a minor and production of child pornography for pimping a 15-year-old girl throughout Florida, Georgia, and North Carolina to approximately 20 to 35 customers each week for more than a year; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Ronnie Leon Tramble—

(1) in March 2012 was sentenced to 15 years in prison on charges of sex trafficking through force, fraud, and coercion for forcing more than 5 young women and minors into prostitution over a period of at least 5 years throughout the State of Washington, during which time period he constantly subjected the victims to brutal physical and emotional abuse; and

(2) used Backpage.com to facilitate the prostitution;

Whereas, according to AIM Group, 80 percent of online prostitution advertising revenue for the month of February 2012 was attributed to Backpage.com;

Whereas, according to AIM Group, the number of Backpage.com advertisements for ''escorts'' and ''body rubs'', a thinly veiled code for prostitution, increased by nearly 5 percent between February 2011 and February 2012;

Whereas, according to AIM Group, Backpage.com earned an estimated $26,000,000 from prostitution advertisements between February 2011 and February 2012;

Whereas Backpage.com vice president Carl Ferrer acknowledged to the National Association of Attorneys General that the company identifies more than 400 ''adult entertainment'' posts that may involve minors each month;

Whereas the actual number of ''adult entertainment'' posts on Backpage.com each month that involve minors may be far greater than 400;

Whereas, according to the National Association of Attorneys General, Missouri investigators found that the review procedures of Backpage.com are ineffective in policing illegal activity;

Whereas, in September 2010, Craigslist.com removed the ''adult services'' section of its website following calls for removal from law enforcement and advocacy organizations;

Whereas, by September 16, 2011, 51 attorneys general of States and territories of the United States had called on Backpage.com to shut down the ''adult entertainment'' section of its website;

Whereas, on September 16, 2011, the Tri-City Herald of the State of Washington published an editorial entitled ''Attorneys general target sexual exploitation of kids'', writing, '' . . . we'd also encourage the owners of Backpage.com to give the attorneys general what they are asking for'';

Whereas, on October 25, 2011, 36 clergy members from across the United States published an open letter to Village Voice Media in the New York Times, calling on the company to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on December 2, 2011, 55 anti-trafficking organizations called on Village Voice Media to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on December 29, 2011, the Seattle Times published an editorial entitled ''Murders strengthen case against Backpage.com'', writing, ''Backpage.com cannot continue to dismiss the women and children exploited through the website, nor the 3 women in Detroit who are dead possibly because they were trafficked on the site. Revenue from the exploitation and physical harm of women and minors is despicable. Village Voice Media, which owns Backpage.com, must shut this site down. Until then, all the pressure that can be brought to bear must continue.'';

Whereas, on March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled ''Where Pimps Peddle Their Goods'' that ''[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising.'';

Whereas, on March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the ''adult entertainment'' section of Backpage.com, stating, ''For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.'';

Whereas, on March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media back to management;

Whereas, in M.A. ex rel. P.K. v. Village Voice Media Holdings, LLC (809 F. Supp. 2d 1041 (E.D. Mo. 2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by section 509 of the Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 137)) protects Backpage.com from civil liability for the ''horrific victimization'' the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes; and

Whereas the Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 56) and the amendments made by that Act do not preclude a service provider from voluntarily removing a portion of a website known to facilitate the sexual exploitation of minors in order to protect children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the efforts of law enforcement agencies to provide training to law enforcement agents on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports services for trafficking victims provided by the Federal Government, State and local governments, and non-profit and faith-based organizations, including medical, legal, mental health, housing, and other social services; and

(3) calls on Village Voice Media Holdings, LLC to act as a responsible global citizen and immediately eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

2012 HEISMAN MEMORIAL TROPHY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 617 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 617) congratulating the recipient of the 2012 Heisman Memorial Trophy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

Resolved, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 627) designating the Chairman of the Senate Committee on Appropriations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. 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. 627) was agreed to, as follows:

S. RES. 627

Resolved, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

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

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

OBTAINING A CONSUMER'S INFORMED, WRITTEN CONSENT ON AN ONGOING BASIS THROUGH THE INTERNET

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6671 which was received from the House and is at the desk.

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

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, we are enacting legislation to update the Video Privacy Protection Act, VPPA, in order to permit the ongoing sharing of video viewing information via the Internet. This bill contains important digital privacy provisions that I authored in the Senate to ensure consumer control over video viewing information.

During my more than three decades in the Senate, I have worked to protect the privacy rights of American consumers. In doing so, I have joined with Democrats and Republicans alike to help guarantee the right to privacy for every citizen. Last month, the Judiciary Committee favorably reported legislation that included these video privacy updates with strong bipartisan support. I commend Senator FRANKEN for his exceptional work on this measure as the chairman of the Judiciary Committee's Subcommittee on Technology, Privacy and the Law. He held

the hearings and helped the committee to develop the proposal contained in this bill.

I congratulate Representative GOODLATTE for his work on this bill. He began the effort in the House to update the VPPA and has worked with me to reach this final product. I look forward to working with him to update another critical digital privacy law, the Electronic Communications Privacy Act, ECPA, in the new year. The Senate Judiciary Committee reported a good proposal to ensure a warrant requirement for e-mails and we should move forward quickly to enact it.

The bill we enact today takes several important steps to accommodate new technologies, like video streaming and social networking, while also helping to protect digital privacy rights in cyberspace. First, the bill updates the Video Privacy Protection Act to keep pace with how most Americans view and share videos today—on the Internet. This bill will allow American consumers, if they wish, to share their movie and television watching experiences through social media, while also ensuring that the important privacy protections in this law are not diminished.

Second, to protect the privacy of American consumers, the bill retains key privacy protections already in the VPPA which require that consumers ''opt-in'' to the sharing of their video viewing information. The bill similarly retains the requirement in current law that consumers provide informed written consent to share video viewing information. Moreover, to ensure that consumers have control over their own video viewing data, the bill provides that consumers may ''opt-in'' to the information sharing on an ongoing basis for a period of up to 2 years at a time. Consumers may ''opt-out'' of the information sharing at any time.

Lastly, the bill requires that the opportunity for a consumer to withdraw consent to the disclosure of video viewing information must be presented in a clear and conspicuous manner. This provision requires a video tape service provider to provide one of two opportunities for the consumer to withdraw consent: on a case-by-case—i.e., per title—basis, or to withdraw consent for ongoing disclosures. The bill does not, however, specify where on a Web site, or in what form, the opportunity to withdraw consent should be provided.

Like many Americans, I am concerned about the growing and unwelcome government intrusions into our private lives in cyber space. Last month, the Judiciary Committee overwhelmingly passed my legislative proposal to update the Electronic Communications Privacy Act, ECPA, to require a search warrant in order for the government to obtain our e-mail and other electronic communications stored with third-party service providers. When we worked to enact ECPA in 1986, no one could have imagined the way the Internet and mobile technologies would transform how we communicate and exchange information today. But, after three decades, this critical privacy law has been outpaced by the explosion of new technologies and the expansion of the government's surveillance powers.

My Electronic Communications Privacy Act updates would revive and enhance the privacy protections afforded to Americans' e-mails and other electronic communications by establishing a warrant requirement for all e-mail content when stored with a third-party service provider or ''in the cloud.'' There are limited exceptions to this requirement under current law. I have worked to make certain that these updates carefully balance privacy interests, the needs of law enforcement, and the interest of our thriving American tech sector.

When the Congress enacted the Electronic Communications Privacy Act in 1986, we did so with strong, bipartisan support. Today, we continue that long and proud tradition of coming together across Chamber and party affiliation by enacting this update to the VPPA. My legislative reforms to the Electronic Communications Privacy Act are likewise deserving of such broad and bipartisan support. I urge us to join together in the Congress to enact these important privacy updates without delay.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6671) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, DECEMBER 21, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Friday, December 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act under the previous order; and that following disposition of the conference report, the Senate then proceed to vote on the motion to invoke cloture on the substitute amendment to H.R. 1; further, that the mandatory quorum with respect to rule XXII be waived; further, the filing deadline for second-degree amendments to H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill, be 1:30 p.m. on Friday.

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

PROGRAM

Mr. DURBIN. There will be a rollcall vote at approximately 2 p.m. tomorrow on the adoption of the Defense authorization conference report. Additional votes are expected and we hope to reach agreement on the supplemental and FISA tomorrow.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:24 p.m., adjourned until Friday, December 21, 2012, at 1 p.m.

Daily Digest

Highlights

House agreed to the conference report to accompany H.R. 4310—National Defense Authorization Act for Fiscal Year 2013.

Senate

Chamber Action

Routine Proceedings, pages S8235–S8321

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3699–3704, and S. Res. 626–627. **Page S8302**

Measures Reported:

Report to accompany H.R. 2471, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet. (S. Rept. No. 112–258)

S. 3523, to amend title 17, United States Code, to extend protection to fashion design. (S. Rept. No. 112–259) **Page S8302**

Measures Passed:

Date for Counting Electoral Votes: Senate passed H.J. Res. 122, establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012. **Page S8251**

Maniilaq Association: Senate passed H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, after agreeing to the following amendment proposed thereto: **Page S8308**

Durbin (for Murkowski) Amendment No. 3423, in the nature of a substitute. **Page S8308**

Improper Payments Elimination and Recovery Improvement Act: Senate passed H.R. 4053, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending. **Page S8308**

National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act: Senate passed S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8308–18**

Durbin (for Begich) Amendment No. 3424, of a perfecting nature. **Page S8313**

Village Voice Media Holdings, LLC: Committee on the Judiciary was discharged from further consideration of S. Res. 439, 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, and the resolution was then agreed to. **Pages S8318–20**

2012 Heisman Memorial Trophy: Committee on the Judiciary was discharged from further consideration of S. Res. 617, congratulating the recipient of the 2012 Heisman Memorial Trophy, and the resolution was then agreed to. **Page S8320**

Designating the Chairman of the Senate Committee on Appropriations: Senate agreed to S. Res. 627, designating the Chairman of the Senate Committee on Appropriations. **Page S8320**

Video Tape Service Provider: Senate passed H.R. 6671, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet. **Pages S8320–21**

Measures Considered:

Full-Year Continuing Appropriations Act—Agreement: Senate continued consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, taking action on the following amendments and motions proposed thereto: **Pages S8236–37**

Pending:

Reid Amendment No. 3395, in the nature of a substitute. **Page S8237**

Reid Amendment No. 3396 (to Amendment No. 3395), to change the enactment date. **Page S8237**

Reid Amendment No. 3397 (to Amendment No. 3396), of a perfecting nature. **Page S8237**

Reid Amendment No. 3398 (to the language proposed to be stricken by Amendment No. 3395), to change the enactment date. **Page S8237**

Reid Amendment No. 3399 (to Amendment No. 3398), of a perfecting nature. **Page S8237**

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 3400, to change the enactment date. **Page S8237**

Reid Amendment No. 3401 (to (the instructions) Amendment No. 3400), of a perfecting nature. **Page S8237**

Reid Amendment No. 3402 (to Amendment No. 3401), of a perfecting nature. **Page S8237**

A unanimous-consent agreement was reached providing that following disposition of the conference report to accompany 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; Senate vote on the motion to invoke cloture on Reid Amendment No. 3395 (listed above); and the filing deadline for second-degree amendments to the bill be at 1:30 p.m., on Friday, December 21, 2012. **Page S8273**

Conference Reports:

National Defense Authorization Act—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate begin consideration of the conference report to accompany 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; that there be up to one hour of debate equally divided between the two Leaders, or their designees, prior to a vote on adoption of the conference report. **Pages S8251–74**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the notification of the President's intent to terminate the designation of the Federation of Saint Kitts and Nevis as a beneficiary developing country under the Generalized System of Preferences (GSP) program; which was referred to the Committee on Finance. (PM–64) **Pages S8299–S8300**

Brann, Mannion, and Tigar Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate begin consideration of the nominations of Matthew W. Brann, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania, Malachy Edward Mannion, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania, and Jon S. Tigar, of California, to be United States District Judge for the Northern District of California; that there be 30 minutes for debate equally divided in the usual form; that following the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations, in that order; and that no further motions be in order. **Page S8273**

Messages from the House: **Page S8300**

Measures Referred: **Page S8300**

Enrolled Bills Presented: **Page S8300**

Executive Communications: **Pages S8300–02**

Additional Cosponsors: **Pages S8302–03**

Statements on Introduced Bills/Resolutions: **Pages S8303–05**

Additional Statements: **Pages S8298–99**

Amendments Submitted: **Pages S8305–08**

Authorities for Committees to Meet: **Page S8308**

Privileges of the Floor: **Page S8308**

Adjournment: Senate convened at 11 a.m. and adjourned at 9:24 p.m., until 1 p.m. on Friday, December 21, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8321.)

Committee Meetings

(Committees not listed did not meet)

SUPERSTORM SANDY RECOVERY

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine recovering from superstorm Sandy, focusing on rebuilding our infrastructure, after receiving testimony from Peter Rogoff, Federal Transit Administrator, Department of Transportation; Yolanda Chavez, Deputy Assistant Secretary for Grant Programs, Office of Community Planning and Development,

Department of Housing and Urban Development; James Weinstein, NJ TRANSIT Corporation, Morristown, New Jersey; Thomas F. Prendergast, MTA New York City Transit, Brewster, New York; and Patrick J. Foye, The Port Authority of New York and New Jersey, Sands Point, New York.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services, and Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury, who was introduced by Senator Schumer, after the nominees testified and answered questions in their own behalf.

BENGHAZI

Committee on Foreign Relations: Committee concluded a hearing to examine Benghazi, focusing on the attacks and the lessons learned, after receiving testimony from William J. Burns and Thomas R. Nides, both a Deputy Secretary of State.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 6690–6702; and 1 resolution, H. Res. 842 was introduced. **Pages H7423–24**

Additional Cosponsors: **Pages H7424–25**

Reports Filed: Reports were filed today as follows:

In the Matter of Allegations Relating to Representative Gregory Meeks (H. Rept. 112–709);

In the Matter of Representative Tim Ryan (H. Rept. 112–710);

H.R. 1073, to designate the United States courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse" (H. Rept. 112–711);

H.R. 2919, to eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes, with an amendment (H. Rept. 112–712);

Activities and Summary Report of the Committee on the Budget, House of Representatives, One Hundred Twelfth Congress, Fourth Quarter (H. Rept. 112–713);

Report on the Activities of the Committee on Education and the Workforce for the Fourth Quarter of the 112th Congress (H. Rept. 112–714);

H.R. 1063, to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims, with an amendment (H. Rept. 112–715, Pt. 1);

In the Matter of Allegations Relating to Representative Shelley Berkley (H. Rept. 112–716); and

H.R. 3116, to authorize certain programs of the Department of Homeland Security, and for other purposes, with an amendment (H. Rept. 112–717, Pt. 1). **Page H7423**

Speaker: Read a letter from the Speaker wherein he appointed Representative Dold to act as Speaker pro tempore for today. **Page H7361**

National Defense Authorization Act for Fiscal Year 2013—Conference Report: The House agreed to the conference report to accompany 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, and to prescribe military personnel strengths for such fiscal year, by a yea-and-nay vote of 315 yeas to 107 nays, Roll No. 645. **Pages H7384–94, H7412–13**

H. Res. 840, the rule providing for consideration of the conference report, was agreed to by a recorded vote of 243 ayes to 177 noes, Roll No. 642, after the previous question was ordered by a yea-and-nay vote of 233 yeas to 186 nays, Roll No. 641. **Pages H7383–84**

Spending Reduction Act of 2012: The House passed H.R. 6684, to provide for spending reduction, by a yea-and-nay vote of 215 yeas to 209 nays with 1 answering "present", Roll No. 644. **Pages H7395, H7412**

Rejected the Van Hollen motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 179 yeas to 243 nays, Roll No. 643. **Pages H7410–12**

H. Res. 841, the rule providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) and the bill (H.R. 6684) was agreed to by a yea-and-nay vote of 219 yeas to 197 nays, Roll No. 640, after the previous question was ordered by a yea-and-nay vote of 233 yeas to 184 nays, Roll No. 639. **Pages H7374–83**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, December 19th:

Mann-Grandstaff Department of Veterans Affairs Medical Center Designation Act: H.R. 3197, to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center'', by a ⅔ yea-and-nay vote of 421 yeas to 1 nay, Roll No. 646; **Pages H7413–14**

William "Bill" Kling VA Clinic Designation Act: H.R. 6443, to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic'', by a ⅔ yea-and-nay vote of 422 yeas with none voting ''nay'', Roll No. 647; **Page H7414**

Mt. Andrea Lawrence Designation Act: S. 925, to designate Mt. Andrea Lawrence, by a ⅔ yea-and-nay vote of 408 yeas to 7 nays, Roll No. 648; **Pages H7414–15**

Medicare Identity Theft Prevention Act: H.R. 1509, amended, to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; **Page H7416**

Elizabeth L. Kinnunen Post Office Building Designation Act: H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''; **Page H7416**

Sidney "Sid" Sanders McMath Post Office Building Designation Act: H.R. 3869, to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''; **Page H7416**

Cecil E. Bolt Post Office Designation Act: H.R. 4389, to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''; **Page H7416**

Lieutenant Kenneth M. Ballard Memorial Post Office Designation Act: H.R. 6260, to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''; **Page H7416**

Representative Curtis B. Inabinett, Sr. Post Office Designation Act: H.R. 6379, to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office''; and **Page H7416**

Postal Inspector Terry Asbury Post Office Building Designation Act: H.R. 6587, to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''. **Page H7416**

Recess: The House recessed at 7:06 p.m. and reconvened at 9:01 p.m. **Page H7415**

Providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution: The House agreed to discharge from committee and agree to S.J. Res. 49, to provide for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution. **Page H7415**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow, December 21st. **Page H7415**

Presidential Message: Read a message from the President wherein he notified the Congress of his intent to terminate the designation of the Federation of Saint Kitts and Nevis as a beneficiary developing country under the Generalized System of Preferences program—referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 112–158). **Page H7384**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H7361.

Senate Referrals: S. 3630, S. 3662, and S. 3698 were referred to the Committee on Oversight and Government Reform; S. 2318 was referred to the Committee on Foreign Affairs; and S. 3202 was referred to the Committees on Veterans' Affairs, Armed Services, and the Budget. **Page H7421**

Quorum Calls—Votes: Nine yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H7381–82, H7382–83, H7383, H7383–84, H7411–12, H7412, H7413, H7413–14, H7414, H7415. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9:56 p.m.

Committee Meeting

BENGHAZI ATTACK, PART II: THE REPORT OF THE ACCOUNTABILITY REVIEW BOARD

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Benghazi Attack, Part II: The Report of the Accountability Review Board''. Testimony was heard from William J. Burns, Deputy Secretary, Department of State; and Thomas R. Nides, Deputy Secretary for Management and Resources, Department of State.

BUSINESS MEETING—INVESTIGATIVE REPORT ON THE U.S. NATIONAL SECURITY ISSUES POSED BY CHINESE TELECOMMUNICATIONS COMPANIES HUAWEI AND ZTE

House Permanent Select Committee on Intelligence: Full Committee held a business meeting on the Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE. The Report was adopted.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 21, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to consider the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, Time to be announced, Room to be announced.

House

No hearings are scheduled.

Next Meeting of the SENATE

1 p.m., Friday, December 21

Senate Chamber

Program for Friday: Senate will begin consideration of the conference report to accompany H.R. 4310, National Defense Authorization Act, with a vote on adoption of the conference report to accompany the bill at approximately 2 p.m. Upon disposition of the conference report, Senate will vote on the motion to invoke cloture on Reid Amendment No. 3395 to H.R. 1, Full-Year Continuing Appropriations Act. The filing-deadline for all second-degree amendments to H.R. 1, Full-Year Continuing Appropriations Act is at 1:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Friday, December 21

House Chamber

Program for Friday: The House will meet in pro forma session at 2 p.m.

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.