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# Senate

The Senate met at 1 p.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

## PRAYER

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

Let us pray.

Eternal God, You only are immortal, so today we offer our thanksgiving. Thank You for life and for opportunities to make our Nation stronger. Thank You for the peace You give, even in the midst of storms. Use our Senators today, filling them with strength and purpose. May they labor to encourage the right and correct the wrong. When they meet with reversal and failure, may they not become weary but continue to work to fulfill Your will.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, December 21, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,
*President pro tempore.*

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

## SCHEDULE

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, following leader remarks, the Senate will begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act. The filing deadline for second-degree amendments to the emergency supplemental bill is 1:30 p.m. today.

At approximately 2 p.m., there will be a rollcall vote on adoption of the national defense conference report. We will work on an agreement for amendments in order to complete action on the supplemental as well as an agreement on FISA.

## RECOGNITION OF THE MAJORITY LEADER

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

## THE FISCAL CLIFF

Mr. REID. Mr. President, last night the House of Representatives proved what we have known for quite a while: Speaker BOEHNER's plan to raise taxes on 25 million middle-class taxpayers while handing out $50,000 bonuses to millionaires and billionaires was dead on arrival. We said that yesterday. We knew the so-called Plan B was no plan at all. It couldn't pass the Senate. It turns out it couldn't pass the House either. It is too bad Speaker BOEHNER wasted 1 week on this futile political stunt, and that is all we can call it.

But at least now House Republicans have gotten the message loudly and clearly that any comprehensive solution to the looming fiscal cliff will need to be a bipartisan solution. No comprehensive agreement can pass either Chamber without both Democratic and Republican votes, which means any solution will have to ask the most fortunate among us to pay a little more to reduce the deficit and ensure partisanship doesn't take the Nation to the brink of default.

Nothing that has passed the House of Representatives fits that test—nothing. A few days ago President Obama and Speaker BOEHNER appeared poised to strike a grand bargain, but we have heard that before. Instead of making hard choices of compromise, as President Obama has been willing to do, the Speaker retreated to his corner and resorted to political stunts, but that stunt fell flat.

It is time for the Speaker and all Republicans to return to the negotiating table. We have never left. It is time for Republicans to work with us to find the middle ground. That is the only hope of averting the devastating impacts of the fiscal cliff. The fiscal cliff needs to be avoided.

In the meantime, the Speaker should bring the middle-class tax cut passed by the Senate 5 months ago to the floor of the House for a vote. We know it will pass. All he has to do is let Democrats vote with some Republicans and it will pass. The clock is ticking until the Nation goes over the fiscal cliff and taxes go up for every family in America. But there is still time for the Speaker to hit the brakes and avoid that cliff. We don't need the ''Thelma and Louise'' projection over that cliff.

The Senate-passed bill would protect 98 percent of families and 97 percent of small businesses from crippling tax hikes while President Obama and the Speaker work toward a compromise agreement. That agreement should be comprehensive. If Republicans truly want to ensure American families' taxes don't go up on January 1, they should simply pass the Senate bill. The only reason Speaker BOEHNER hasn't brought our bill to the floor sooner is

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



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he knows it will pass. He worked for a day or two seeing if he could bring that up so it wouldn't pass. That didn't work either.

Americans are not fooled by the Speaker's phony procedural excuses for failing to bring this solution to a vote. They are tired of excuses. They expect action.

Let me be very plain. There is nothing preventing the Speaker from taking up our bill and giving middle-class families certainty. I say to my friend, the Speaker: This isn't a game. It isn't about scoring political points or putting wins on the board. There will be very serious consequences for millions of families if Congress fails to compromise, and there will be very serious consequences for our country if Congress fails to compromise.

It is time for the Speaker to return to the negotiating table ready to compromise, and it is time for the House—especially House Republicans—to remember what is at stake.

I repeat, the $250,000 program would pass overwhelmingly in the House. It is up to the Speaker to let that vote occur.

The ACTING PRESIDENT pro tempore. The Republican leader.

## THE DAY AFTER

Mr. MCCONNELL. Mr. President, most people, of course, are focused on what happened last night over in the House. I would like to focus on the press conference that congressional Democrats held just a few hours earlier.

Here were the leaders of the Democratic Party in the Senate—other than the President, these are the folks with the greatest responsibility for protecting the American people from a massive tax hike coming in January—and what did they do? They stood in front of the cameras and laughed. They laughed. They giggled at a bunch of bad jokes and told the American people they didn't plan to do anything this week—nothing, absolutely nothing.

Democrats in the House vowed they wouldn't vote for this bill, the majority leader vowed he would ignore it if it made it out of the House and landed in the Senate, and the President vowed he would veto it if it made it out of the Senate.

So Democrats spent literally all day yesterday defeating a bill that would make current tax rates permanent for more than 99 percent of Americans, and they laughed about it. Ten days to go until the fiscal cliff, and they laughed about it.

I don't know if anybody has looked at a calendar lately, but we are about out of time here, folks. This isn't funny. People's livelihoods are at stake. The U.S. economy is at stake. Millions upon millions of families are counting on us to do something.

Look, it is the President's job—it is his job to find a solution that can pass the Congress. He is the only one who can do it. This isn't JOHN BOEHNER's problem to solve. He has done his part. He has bent over backward.

Mr. President: How about rallying your party around a solution. How about getting Democrats to support something.

I have said it many times before: We simply cannot solve the problems we face unless and until the President of the United States either finds the will or develops the ability—the ability—to lead. This is a moment that calls for Presidential leadership. That is the way out of this. It is that simple.

Does anybody wonder why we keep going from crisis to crisis around here? Does anybody notice a pattern? This doesn't have to be a crisis. This was an opportunity, but once again the President ignored it. He went out and held rallies and gave partisan speeches even after he had already been reelected.

As I said yesterday, I think it is obvious at this point the President wants to go off the cliff. But I know most of the American people don't want that. Today, I am going to make an offer. With 10 days to go, we have an obligation to act on something—something that can pass the House and the Senate. If the President won't propose it, if Senate Democrats won't propose it, I will.

Earlier this year, the House passed a bill that extends current rates on everyone for 1 year, with instructions for expedited comprehensive tax reform by next year. We could bring up this House-passed bill.

If the majority leader has a plan that can get 60 votes in the Senate, break through the disarray in his own caucus and build bipartisan support, offer that as an amendment and then let's vote. Let's vote on amendments from all sides, and then let's go to conference with the House of Representatives. They have already passed a bill—one I support—to prevent a tax hike on all Americans and reform the Tax Code. Why don't we take it up here? Let's get this done.

It is called legislating. That is what we used to do in Congress. Democrats may be popping champagne corks today about bringing down Plan B, but all their efforts to do so yesterday will not protect a single taxpayer from a massive tax hike in just a few weeks. The American people are waiting. Surely, we can do better than this. Let's do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, if this weren't such a serious situation we face ourselves, it would be laughable.

Can anyone imagine saying we should defeat a bill we have already defeated? We voted on the proposal at the same time we voted to pass that protecting middle-class Americans. That passed the Senate—one to give the richest of the rich a continuation of the tax breaks they get. As I indicated, the proposal they had for about another $50,000 for each of them was defeated here. It was defeated in the Senate.

So my friend—and he is my friend—the Republican leader is struggling to find a way to blame Democrats, and it is a struggle, trying to blame us for the failure of the House to pass the Speaker's bill. The House is led by the Republicans. Their narrowed margin will be better for the country after the first of the year, but right now he controls the House by a wide margin.

I have served in the House. The Speaker is all powerful in the House. To blame us for the travesty that took place over there is pretty incredible. As I tried to say in my remarks, couldn't we at least protect the middle class?

My friend complains the President hasn't done enough. He put forward a proposal that has received criticism from Democrats because he was too generous with Speaker BOEHNER. But the President believes, as he said several times, both sides might have to make hard choices.

The President released a balanced $2.4 trillion program. That is pretty good. It would alleviate the fiscal cliff, it would allow the SGR to continue so doctors get paid and patients have a doctor to go to. It extended unemployment benefits for people who are desperate.

It is true that there is a crisis here, but it is because the House Republicans refuse to pass the Senate-passed tax bill. It is because the Republicans in the House are fighting among themselves.

The Republican leader seeks to pass the House-passed bill, but we have already turned that bill down. The real answer lies in the Speaker, who controls the House of Representatives, talking to the President and working things out.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. All I was suggesting to my friend the majority leader is that you have the tax bill that originated in the House. It came over to the Senate. If our friends in the majority don't like that version of it, they could call it up, amend it, and see if there is a majority in the Senate for something.

It seems to me that the time for finger-pointing is about over. The American people are not particularly interested in what originated here or there or who is doing what; they are interested in getting a result. I was trying to be helpful in suggesting that you have a tax bill that came over from the House. You have a majority here. You could take it up, offer amendments, and see if there is something that could achieve a majority of the Senate rather than just complaining because the House did not pass something yesterday. That is not going to solve the problem. Somehow, some way, we need to find a way forward, and I hope we can in the coming week.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I hope we can too, but this is really quite remarkable. I am told that Members from this body went and talked to the Republican caucus yesterday saying: Send us your plan B, and the Democrats will take care of it and send you back something you will like better.

We can all see what has happened in the press. I like JOHN BOEHNER, but gee whiz, I mean, this is a pretty big political battering he is taking. What he should do is allow a vote in the House of Representatives on a bipartisan bill. It will pass. Democrats will vote for it. Some Republicans will vote for it. That is what we are supposed to do. But he is trying to pass everything with that majority he has that cannot agree on anything among themselves. Bring in the Democrats. That is what the country was set up for. Our Founding Fathers set it up that way. But he wants some other method where everything is done by the slim majority they have.

This is absolutely incredible. We believe the Speaker should be concerned. I am confident he is, but maybe he is more concerned, as some have said, about his election to be returned as Speaker. He should be more concerned about what is going to happen to the country. If he showed leadership and walked out there and said: This is the right thing for the country, we are all going to vote on this, Democrats will vote for it and enough Republicans will vote for it to pass something that will take us away from that fiscal cliff. But this brinkmanship and this silliness that is going on over there you would not do in an eighth grade government election.

Mr. MCCONNELL. Mr. President, I add that the time for finger-pointing is gradually running out. The American people know we have a President, they know we have a Senate, and they know we have a House. They are anxiously awaiting whether we are going to solve this problem before the end of the year.

Mr. REID. Would the Chair announce the business of the day.

## RESERVATION OF LEADER TIME

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

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4310, which the clerk will report.

The assistant legislative clerk read as follows:

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 other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the RECORD of December 18, 2012.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be up to 1 hour of debate equally divided and controlled between the two leaders or their designees prior to a vote on adoption of the conference report.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring to the Senate, along with Senator MCCAIN, the conference report on H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. This conference report, which was signed by all 26 Senate conferees, all the members of the Senate Armed Services Committee, contains many provisions that are of critical importance to our troops. This will be the 51st consecutive year in which a national defense authorization act will be enacted into law.

I thank my dear friend Senator MCCAIN, our ranking minority member, for all that he did to bring us to this conclusion and for the years of great leadership on our committee. I have been lucky to have Senator MCCAIN as a partner. I know both of us are grateful to the chairman and the ranking member of the House Armed Services Committee, BUCK MCKEON and ADAM SMITH, for their hard work on reconciling the many differences between the House and Senate bill and for helping to produce a solid bill to support the men and women of our Armed Forces.

The conference report contains many important provisions that will improve the quality of life for our men and women in uniform. It will provide needed support and assistance to our troops who are deployed. It will make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill authorizes a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request.

The conference report contains strong additional sanctions on Iran. The Iran sanctions provisions will designate certain persons in Iran's energy, port, shipping, and shipbuilding sectors as entities of proliferation concern, subjecting many more transactions with such entities to sanctions. It will impose sanctions on persons selling or supplying or diverting to Iran a defined list of materials relevant to the aforementioned sectors, to certain Iranian specially designated nationals and blocked persons, or to be used in connection with certain Iranian military programs.

It is going to impose sanctions on any insurance or reinsurance provider or underwriter that knowingly provides underwriting service, insurance, or reinsurance for activities for which sanctions have been imposed to any person in the energy, shipping, or shipbuilding sector in Iran.

It will designate the Islamic Republic of Iran Broadcasting and its president as human rights abusers for their broadcasting of forced confessions and show trials, blocking their assets and preventing other entities from doing business with them and banning any travel to the United States.

The administration requested three modifications. In particular, one was additional time to implement the provision following enactment; the second was additional time between waiver renewals; and third was a modification of the exceptions clause from nondesignated Iranian ''financial institutions'' in the Senate-passed version to a broader term that would have incorporated nondesignated Iranian ''persons.'' That conference report provides two of the three modifications—the additional time requested. It does not make a change in terms of the exceptions clause.

The conference report contains a few provisions addressing detainee issues. These provisions extend existing limitations on the transfer or release of Gitmo detainees for another year. We did not adopt the permanent limitations in the House bill. We also provided new flexibility for dealing with detainees who cooperate with U.S. intelligence and law enforcement authorities pursuant to pretrial agreements.

The report establishes new congressional notification requirements for military detainees held on naval vessels and for third-country nationals who are released from military detention in Afghanistan, but the report does not place any conditions or limitations on such transfers.

The conference report does not include the Senate language regarding military detention inside the United States. The House conferees would simply not accept this provision. Instead, we included a provision that says and states the following:

Nothing in the Authorization for Use of Military Force, (Public Law 107–40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) 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 such rights in the absence of such laws.

The provision in the fiscal year 2012 act, which is referred to in the language I just read—it is already law—that section in the 2012 act is section 1021. That section said the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of

United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested inside the United States. The language in this conference report reflects my view that Congress did not restrict or deny anyone's Constitutional rights in either the 2001 Authorization for Use of Military Force or the Fiscal Year 2012 National Defense Authorization Act. The Statement of Managers accompanying this conference report points out that ''constitutional rights may not be restricted or denied by statute.''

On the Alternative Fuel provision, the conference report does not include a provision of the House-passed bill that would have prohibited fiscal year 2013 funding for the production or purchase of alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of traditional fossil fuel.

The conference report does contain a provision that limits DOD's fiscal year 2013 Defense Production Act—DPA—funding for the construction of a biofuel refinery until—that is the key word—the DOD receives the promised contributions from the Departments of Energy and Agriculture for the same purpose. We do not limit Phase I of the DPA project, nor does the conference report limit the use of FY12 funds for biofuel refinery construction.

On ''cyber,'' the conference report requires the Secretary of Defense to create a process requiring defense contractors that use or possess classified or sensitive DOD information to report successful cyber penetrations of their networks or information systems. Additionally, if the Department is concerned about a particular event and feels the need to determine what DOD information may have been lost from such penetration, the provision would authorize DOD to conduct its own forensic analysis, upon request, and subject to limitations.

I know the Presiding Officer has a special interest in this area of cyber security. This provision in the Defense authorization bill represents a major breakthrough in the Nation's need to protect cyber—our information systems and cyber security.

There are a lot of other sensitive areas where we are threatened with cyber attacks, such as financial, police, transportation sectors, which obviously we could not touch; they are not within our jurisdiction. They need similar action.

The conference report provides that the Secretary of Defense will evaluate, by the end of 2013, at least three possible future missile defense interceptor deployment locations in the United States—at least two of which would be on the East Coast—and then to prepare an environmental impact statement for the locations evaluated. It would also require the Director of the Missile Defense Agency to prepare a contingency plan for deployment of an additional interceptor site in case the President decides to proceed with such a deployment. However, it does not mandate or authorize deployment of any missile defense site, and does not require the Defense Department to submit a deployment plan to Congress.

For Afghanistan, the conference report includes a sense of Congress in support of the President's plan for the transition of lead responsibility for security to the Afghan security forces in 2013 and the drawdown of most U.S. forces by no later than the end of 2014. Specifically, the sense of Congress provides in part that the President should seek to ''. . . take all possible steps to end such operations at the earliest possible date consistent with a safe and orderly draw down of United States troops in Afghanistan.''

The conference report also calls for an independent assessment of the size and structure requirements of the Afghan National Security Forces necessary for those forces to be able to ensure that their country will not again serve as a safe-haven for terrorists that threaten Afghanistan, the region, and the world.

On TRICARE, the conference report establishes modestly increased cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and in fiscal years 2014 through 2022, limits any annual increases in pharmacy copayments to increases in retiree cost of living adjustments. The Administration's proposal would have tripled beneficiary copayment rates over the next 10 years.

The conference report also requires the Secretary of Defense to conduct a 5-year pilot program to refill prescription maintenance medications for TRICARE for Life beneficiaries through TRICARE's national mail-order pharmacy program, resulting in savings to the government of $1.1 billion over the next decade.

Regarding Air Force force structure, the conferees adopted language establishing a commission, which would consist of eight members, four appointed by the President and four appointed by leadership of the Committees on Armed Services of the Senate and the House of Representatives. The Commission would be required to report to the Congress by February 1, 2014, in time to inform congressional action on the fiscal year 2015 budget request, on an Air Force force structure that would, among other things, meet the current and anticipated requirement of the combatant commanders while achieving an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each.

The conference report would provide that during fiscal year 2013, the Air Force would be required to maintain the alternative force structure proposed by the Air Force on November 2, 2012, after Congress clearly indicated it would reject the original plan. We modified the November plan to add an additional 32 fixed-wing, intra-theater airlift aircraft (C–27s and/or C–130s) beyond the number proposed by the Secretary. This addition will help us provide sufficient aircraft to meet the Army's fixed-wing, direct support/time sensitive airlift mission requirements.

Once again, I want to thank Senator MCCAIN. As I said before, I have been honored, pleased, and lucky to have Senator MCCAIN as my partner in leading the Armed Services Committee. I know how indebted we both are to our staffs as well as to all of the members who work so well together on a bipartisan basis.

Our majority and minority staffs were led by Rick Debobes and Ann Sauer. They have done amazing work on this bill. They did a month's worth of work in weeks. They did a week's worth of work in days, and they did a day's worth of work in hours.

Mr. President, I ask unanimous consent that a full list of the majority and minority staff, who gave so much of themselves and their families, be printed in the RECORD.

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

Richard D. DeBobes, Staff Director; Ann E. Sauer, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority General Counsel; Jonathan D. Clark, Counsel; Christine E. Cowart, Chief Clerk; Lauren M. Davis, Minority Staff Assistant; Jonathan S. Epstein, Counsel; Gabriella E. Fahrer, Counsel; Richard W. Fieldhouse, Professional Staff Member; Lauren M. Gillis, Staff Assistant; Creighton Greene, Professional Staff Member; Ozge Guzelsu, Counsel; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel.

Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Elizabeth C. Lopez, Research Assistant; Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; Mariah K. McNamara, Staff Assistant; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John L. Principato, Staff Assistant; John H. Quirk V, Professional Staff Member; Robie I. Samanta Roy, Professional Staff; Member Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Bradley S. Watson, Staff Assistant.

Mr. LEVIN. I would note that the committee's chief clerk Chris Cowert will be retiring at the end of this year after completing more than 41 years on the committee staff. She has been a

driving force behind the staff support of the annual Defense Authorization Act, and she will be sorely missed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I note the presence of the Senator from Kentucky on the floor. I understand he seeks recognition for 10 minutes, and I ask that he be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in opposition to this bill because I believe it contains language that would allow American citizens to be detained without trial. The other side has argued that is not true, that they will be eligible for their constitutional rights if they get into an article III court or a constitutional court. But here is the rub: They have to be eligible. Who decides whether someone is eligible for the court? It is an arbitrary decision, and this is what this debate has been over. Don't let the wool be pulled over your eyes that everyone has protection and they will get a trial by jury if accused of a crime.

We had protection in this bill. We passed an amendment that specifically said: If you are an American citizen or here legally in the country, you will get a trial by jury. It was explicitly stated and it has been removed in the conference committee. It has been removed because they want the ability to hold American citizens without trial in our country. This is so fundamentally wrong and goes against everything we stand for as a country that it cannot go unnoticed and should be pointed out.

Proponents of indefinite detention without trial say that an accusation alone is sufficient, that these crimes are so heinous that trials are unnecessary. They will show us pictures of foreigners in foreign dress from foreign lands and say that is what this debate is about. It is untrue. This debate is about American citizens accused of crimes in the United States.

Make no mistake that the faces of terrorism include awful people who should be punished to the full extent of the law. The same portrait of evil could be drawn of domestic terrorists, domestic terror, and domestic violence. One could parade pictures of Charles Manson, Timothy McVeigh—the Oklahoma bomber—Jeffrey Dahmer, and people would cry out that they don't deserve a trial either. Most Americans understand at some level that when someone is accused of a crime in our country, they get a trial by a jury of their peers. No matter how heinous the crime is or how awful they are, we give them a trial. This bill takes away that right and says if someone thinks a person is dangerous, we will hold that person without a trial. It is an abomination. It should not stand. Most Americans understand that if someone is accused of a crime, it does not make them guilty of a crime. They will still get their day in court.

Some here may not care when they determine that they are going to detain Ahmed or Yousef or Ibrahim. Many innocent Americans are named Ahmed or Yousef or Ibrahim. Many Americans are named Saul or David or Isaac. Is our memory so short that we don't understand the danger of allowing detention without trial? Is our memory so short that we don't understand the havoc that bias and bigotry can do when unrestrained by the law? Trial by jury is our last defense against tyranny and our last defense against oppression. We have locked up Arabs, Jews, and the Japanese.

Do we not want to retain our right to trial by jury? Do we want to allow the whims of government to come forward and lock up whom they please without being tried? In our not-too-distant past Americans named Ozaki, Ichiro, or Yuki were indefinitely detained by the tens of thousands without trial or accusation. Will America only begin to regret our loss of trial by jury when the people have names such as Smith and Jones? Mark my words: This is about people named Smith and Jones or people named David, Saul, Isaac, Ahmed, Yousef, or Ibrahim. This is about all Americans and whether they will have due process and the protections of the law.

We are told these people are so evil and so dangerous that we cannot allow trials. Trial by jury is who we are. Trial by jury is that shining beacon on a hill that people around the world wish to emulate. It is why people came here. It is why we are exceptional as a people. It is not the color of our skin; it is our ideas, it is the right to trial by jury that is looked to as a beacon of hope for people around the world, and we are willing to discard it out of fear. It is a shame to scrap the very rights that make us exceptional as a people.

Proponents of indefinite detention will argue that we are a good people and we will never unjustly detain people. I don't dispute their intentions or impute bad motives to them, but what I will say is remember what Madison said. Madison said if a government were comprised of angels, we would not need the chains of the Constitution. We would not need to bind our representatives and restrain them from doing bad things to good people. If all men in government were angels, we would not need the rules. All men in the government are not angels now and never will be. There is always the danger that some day someone will be elected who will take the rights away from the Japanese, Jews, or Arabs. It happened once. We are told by these people who believe in indefinite detention that the battle is everywhere. If the battle is everywhere, our liberties are nowhere. If the battle is without end, when will they return our liberties? When will our rights be restored if the battle has no end and the battlefield is limitless and the war is endless? When will our rights be restored? It is not a temporary or limited suspension of our right to trial by jury but an unlimited, unbounded relinquishment of the right to trial by jury without length or duration.

We are told that limiting the right to trial by jury is justified under the law of war. Am I the only one uncomfortable applying the law of war to American citizens accused of crimes in the United States? Is the law of war a euphemism for martial law? What is the law of war except for something to go around the Constitution? It is an extraordinary circumstance that might happen in a battlefield somewhere else but should not happen in the United States. Every American accused of a crime, no matter how heinous, should get their day in court and a trial by a jury of their peers. These are not idle questions.

I believe the defense of the Bill of Rights trumps the concerns for speedy passage even of a bill which I generally support. Sixty-seven Senators voted just a few weeks ago to include a provision in this bill that says we have a right to a trial by jury. It was plucked out in secret in conference despite the wishes of two-thirds of the Senators in this body—Republican and Democrat—who were concerned about protecting the right to a jury trial.

Many Senators say: Well, we tried and we lost. They outmaneuvered us; they were sneakier than we were. I disagree that we give up. I think the time is now. I think we make a statement. The fight is today. The subject is too dear. If a majority today were to stand and say: The right to trial by jury is important enough to delay the Defense authorization bill for 2 weeks, I think it would be an important message to send.

So today I stand and urge a ''no'' vote on what I consider to be a travesty of justice.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Kentucky is flat out wrong. There is no such language in the bill which denies the right to trial by jury. I think those are the same kinds of charges against last year's bill. We are trying to keep up with the false charges that the Senator makes, so we put language in this year's bill which says nothing in last year's bill does or could be implied to do any such thing as the Senator from Kentucky is charging. We have language in this year's bill and nothing from last year's bill. That was the same charge he made against last year's bill, shall be construed to deny the availability of the writ of habeas corpus or deny any constitutional rights in a court ordained or established under article III of the Constitution to any person inside the United States.

Then he makes a totally outlandish charge that they were outmaneuvered and they were sneakier than we were. Where does that come from? What is the basis for that kind of a charge

against Senator MCCAIN and me? We have put language in this bill which makes it absolutely clear that nothing we have adopted here in this Senate does anything like what the Senator from Kentucky said—denying the people the right to jury trial.

I totally reject his argument. He does not quote any language in this bill that does what he says this bill does. The Senator from Kentucky actually started his statement by saying this bill has language which will deny a trial by jury. What language and what page? It makes the allegation and sort of lets it sit there. Well, it is flat out wrong.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I want to congratulate the authors and managers of the bill in the House with coming up with a very good bill for our military which will have pay raises and trying to increase our defenses.

I don't mind saying that I think we are at war. I know the Presiding Officer believes that. How long does the war last? I don't know. I cannot tell anyone. Am I supposed to know that? Can we not fight it unless we know the date it ends? America, is it part of the battlefield? Tell me. Where do you think they want to hit us the most? What do you think al-Qaida would like to do more than anything else? They would like to come here and destroy the building I am speaking in. The only reason they cannot get here yet is because we are fighting them over there.

We are gathering good intelligence. We are taking the war home to them. Our intelligence agencies, our FBI, our military, our CIA are all over the world tracking these crazy people so they cannot get here. So to suggest that I cannot tell when the war ends, therefore we have to turn it into a crime, is dangerous and absurd.

Did they know when Germany, Berlin, or Tokyo was going to fall? What happened to the German saboteurs who landed in Long Island during World War II? They were captured by the FBI and turned over to the military. What happened to the American citizens who were helping the German saboteurs? They were held as enemy combatants.

To my good friend from Kentucky, I don't doubt his passion or sincerity; I doubt his judgment on these issues.

The Supreme Court has spoken three different times. Less than 6 or 7 years ago an American citizen was caught helping the Taliban in Afghanistan and they said we could hold one of our own as an enemy combatant until the hostilities cease, and that is a hard time to figure out.

Let's get this right. If an American citizen helping the Taliban in Afghanistan kills our soldiers, can be captured and held as an enemy combatant according to the Supreme Court, what kind of world would we live in if the al-Qaida collaborator American citizen attacked us here, trying to kill us in our own homeland, to say: That doesn't count. The American citizen is no longer at war because we are in America; we have to read them their rights and give them a lawyer and we can't hold them for military intelligence-gathering purposes.

My good friend doesn't understand that in fighting a war, the goal is to win the war; it is to defeat the enemy. In fighting a crime, the goal is designed to hold somebody accountable for an illegal wrong. I have been a military lawyer for 30 years. He may not understand the law of war, but I do and the Supreme Court does. The Supreme Court has said in World War II and in this war, if an American citizen collaborates with the enemy, they will be given due process under the law of war. A Federal judge will hear the claim: I am wrongly held. I am not part of al-Qaida or the Taliban. That is the only time one could be held as an enemy combatant. In helping al-Qaida or the Taliban, one has to be involved in a plot or an act. If a Federal judge agrees with the government that, yes, in fact, there is evidence to suggest an American citizen is helping the Taliban or al-Qaida, I think most Americans would say it is reasonable to hold that person to find out what they know about this attack and future attacks.

Can my colleagues imagine what would happen in this country if three people were running up the Capitol steps to blow up the Capitol and one of them survived who was an American citizen and we couldn't hold them and question them by asking: Where did you train? Is there any other attack planned? What do you know? Whom did you work with? That we would have to say, within hours or a day or two, here is your lawyer and you have a right to remain silent? Can we imagine what would have happened in World War II if the American citizens who helped the Nazis—if we turned that into a common crime.

The difference between me and the Senator from Kentucky is that I believe with all my heart and soul that the al-Qaida, Taliban groups are at war with us and are trying to come to our homeland. I know they are trying to find American citizens who would help them, and they will. There has never been a war in America where somebody within the American citizen community did not collaborate with the enemy. That is happening today. When that day comes and we capture that person, I want as an option the ability to hold them as an enemy combatant, as we did in other wars. They will get their day in court, but they will not be read their rights or given a lawyer on the spot because that would stop intelligence gathering.

To the managers of this bill, to the men and women of the House who sent it over here, thank God they chose a balance between due process and common sense.

All I will say is that the way we found bin Laden was not through torture. I am offended by that, as are Senator MCCAIN and Senator LEVIN. The way we tracked down bin Laden is we had people held at Gitmo for years under the law of war. We don't try them or let them go. When we capture somebody on the battlefield, we don't hold a trial; we hold the prisoner to try to gather intelligence and keep them off the battlefield. Through that process, over years, the Bush administration and the Obama administration put together the puzzle about bin Laden. It wasn't because of waterboarding; it was because this country had available to it the law of war detention that allows us to hold people and get to know them over time and make sure they could not go back to the fight and good questioning and good interrogation techniques led to finding bin Laden. What the Senator from Kentucky is saying is it would not be available to us as a nation if an American citizen were involved in attacking us on the homeland. What an absurd result, that if an American citizen joined al-Qaida to kill everybody in this room, for some unknown reason, we would turn that into a crime rather than an act of war.

If a person collaborates with al-Qaida or the Taliban, two things can happen to them: They can get killed or they can get captured. Most likely they will get a trial one day and nobody is restricting their trial rights. What Senator LEVIN said is true. There is nothing in here restricting the right of trial. What is in here is giving us the option to hold someone as an enemy combatant so we don't have to Mirandize them and turn an act of war into a crime.

I am afraid it will not be long before this is tested in reality. The enemy is afoot. They are trying to penetrate our homeland. They are seeking aid and comfort from Americans within our own country who are going to side with the enemy, unfortunately. When that day comes, I wish to make sure we have the ability in this war, as in every other war, to hold them and to gather intelligence—not to torture them but to make sure we are safe as a nation. Due process, yes. Under the law of war, it must be so. If we turn this war into a crime, we are going to regret it. If my colleagues don't believe we are at war, then I cannot disagree more. I cannot tell my colleagues when the war ends, but I will tell them how it ends. This is how it is going to end: We are going to win and they are going to lose because we can't afford to lose.

Between now and when that day comes, we are going to take the fight to them. If we find an American citizen helping the enemy overseas—this President ordered the killing by drone of al-Awlaki, an American citizen overseas—I believe it was Yemen—and the President said: I have ample evidence he is now assisting al-Qaida overseas to attack American targets and I am going to take him out. Well done, Mr. President. Well done, Mr. President.

If most of us agree we can kill an American citizen helping al-Qaida kill us overseas, we can't capture an American citizen helping al-Qaida here at home and hold him for questioning under the law of war, what an absurd result.

I not only am going to vote for this bill, I am going to celebrate the fact we have done nothing to stop the right to trial. As Senator LEVIN said, there is not one thing in this bill that restricts a person's right to a trial. What we do have in this bill is the recognition we are at war and we retain as an option that has not been used—there is no American citizen in detention—but there may be a need for that one day and we retain that right under this bill.

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

Mr. GRAHAM. Sure.

Mr. MCCAIN. Under the scenario as envisioned by the argument made by the Senator from Kentucky that if an American citizen is overseas, as al-Awlaki was in Yemen, and we took a drone and killed him, which was a decision made by the President of the United States——

Mr. GRAHAM. Good decision, Mr. President.

Mr. MCCAIN. But if al-Awlaki had been in the United States of America, a citizen engaged in the same activities that justified him being killed, then Mr. al-Awlaki would have been entitled to his Miranda rights, a trial by jury, habeas corpus, all that as if he were treated as an American citizen. I don't think many people would quite understand that distinction of geography.

Mr. GRAHAM. It makes no sense, I say to the Senator. He would be entitled to a habeas hearing if he were caught in the United States, but he would be held under the law of war because the allegation is not that he was committing a crime but that he was collaborating with the enemy.

So, yes, we could have a scenario, according to the view of the Senator from Kentucky, that we could kill somebody—an American citizen overseas helping the enemy kill our troops—but if they joined with al-Qaida here at home, all of a sudden we have to give them a lawyer and read them their rights and we can't hold them under the law of war detention to find out what they know about an impending attack. That makes absolutely no sense. The Supreme Court has rejected that kind of thinking.

I hope that day never comes, but I can tell my colleagues this: I don't know when the war is over, he is right about that, but I know this: As long as I am in the Senate, we are going to fight it and we are going to fight it as a war, not a crime.

Mr. MCCAIN. If the Senator will yield further, there is every indication in the Middle East and around the world that we see that al-Qaida is on the way back, far from being defeated.

I just wish to make an additional comment to my friend, Senator LEVIN, the chairman, whom I have had the honor of bringing these bills to the floor with and working together with for 25 years. I was tempted to leave it unresponded to, but a statement the Senator from Kentucky made: They were sneakier than we were—I have to say to the chairman, I don't think the chairman has ever conducted our committee and our deliberations and our work on the floor and in conference in any way as being sneaky. I categorically reject that kind of comment, and I don't think it is worthy of the performance the Senator from Michigan has provided to this committee.

Mr. LEVIN. I very much thank my dear friend from Arizona.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Presiding Officer. The only one thing I will add to this subject before we vote—the Senator from Arkansas seeks to speak and we will run out of time soon—is that a provision which is in our bill, which both the ranking member and myself voted for, which was stricken, one of the arguments against it was made by the ACLU. Our friend from Kentucky talks about something in this bill which denies the right to jury trial and the proof he gives for that is something that is not in the bill, which is—it violates logic, to begin with, but putting that aside—one of the arguments against keeping it in the bill was made by the American Civil Liberties Union and surely they believe people's rights to trial and jury trial should not be denied.

So the allegations made by the Senator from Kentucky are wrong. There is absolutely no substantiation for them, including the one which was just referred to by Senator MCCAIN. But the statement he makes that there is language in this bill—here is the bill. Where is the Senator from Kentucky? What page of the bill is he referring to that contains the language he says denies people the right to trial? It is simply not there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I will try to keep my remarks to about 5 minutes, although I would first like to thank Senators LEVIN and MCCAIN for their leadership on this legislation. They truly set the tone, and they have been good role models for the entire Senate on how legislation should be conducted. So I wish to thank both of them. I think many of my colleagues feel the very same way; that we appreciate how they have handled the national defense authorization bill. It has been a massive undertaking and sometimes, as we know, we have a lot of gridlock around here, but because of the way they have handled it, they have been able to get this bill to this point.

I am not going to object to this bill at all. At one point I thought about it because I am so upset—in fact, my staff has even said livid, and I have been livid—about how one item has been handled by the Air Force; that is, as we all know, about 10 months ago the Air Force came out with a proposed force restructure and that included taking an A–10 unit away from the Arkansas National Guard that is based in Fort Smith, AR.

Understandably, when something such as that happens, we have questions. So, 10 months ago, I started asking: Why are you doing this? Give me your analysis. Tell me how much money you are going to save. Are you aware you have Fort Chaffee right off the end of the runway—and I will talk about this in just a minute. Are you aware that this just went through BRAC, that they had F–16s there and now they have A–10s, and the BRAC commission has gone through this process and they said this is the best place; we can have A–10s right here in Fort Smith, AR.

So we basically got stonewalled. They wouldn't tell us any of their analysis. They wouldn't tell us how much it is costing or saving. They basically stonewalled not just my office but the whole Congress, as far as I know. I have talked to people all over this place on the Senate side and the House side. They never got any numbers. Finally, just in the last few weeks, in talking to members of the Air Force who have stars on their shoulders, they have told me there was no business analysis. There was no base-by-base analysis. Basically, what this boils down to is we need to make some cuts and more or less your number came up, and they go back to the one flying mission per State. We can talk about that more if we want to.

But the problem is we are in a budget environment where we are having downward pressure on military spending, and we know that. We are going to have to make military cuts not just this year but in the outyears. There is no doubt about it. The U.S. Air Force should always count the cost. They should always make a determination on how much these things cost and how much they save. They did not do that here.

They should also know we are going to have a smaller force in the future. So as we wean out some units—and it is going to happen; it is going to be painful; people are not going to like it—you should keep the best units you have, the strongest units you have. And the 188th at Fort Smith, AR, is the best unit in the system. I say that objectively because there are numbers to back that up. It is the cheapest to operate. Even though it went through the transition from F–16s to A–10s just a few years ago, they have already deployed twice. They have deployed twice. One reason they got extended in a deployment was because another A–10 unit was not ready.

What this does is it puts those pilots—those men and women in uniform, who just got back from Afghanistan—

they get off the plane, they are being hugged by their spouses and their children and their communities, and basically the Air Force is giving them a pink slip.

The ultimate slap in the face happened this week when the National Guard Bureau had the audacity to contact the 188th Flying Wing at Fort Smith and say: Hey, by the way, could you deploy one more time? There is another unit that is not ready. Can you deploy one more time? It is astonishing that the Air Force would do this.

We had a commission in there. The commission did not survive. I have talked about that with several of my colleagues who were on the conference. Even though this wing has had more nautical miles of military training than any other unit in the Air National Guard, even though it is closer in proximity to its flying range, its bombing range than any other unit—it is the best setup in all of North America to have the 188th where it is located at Fort Smith and at Fort Chaffee, which is basically the Army National Guard's national training center right there—they love to train with A–10s; we are talking about close air support vehicles here—I do not think the Air Force took that into consideration for 1 minute. I think they made an arbitrary decision here. I do not think it is in our national interests. I do not think it is in the interests of our national security. I am putting people on notice that this fight is not over. I understand about the down pressure. I get all that stuff. But this fight is not over. I am not going to object to this bill today. I am going to vote for its adoption.

Again, I want to thank the chairman and the ranking member for their great leadership.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Arkansas for his enormous contributions to the deliberations and work of our committee. I understand the frustration he feels, and we have promised, as Senator LEVIN and I have promised a number of Members on both sides of the Capitol, we will have extensive hearings on this whole issue of Guard-Air Force relationships and force structure for the 21st century. We appreciate his commitment to his outstanding members of the Guard.

Mr. President, I rise to support the fiscal year 2013 National Defense Authorization Act conference report. This will be the 51st consecutive year the Congress will pass legislation authorizing the budget of the Department of Defense and supporting our men and women in uniform.

I thank the members of the Armed Services Committee for their hard work, especially my colleague and friend, Senator CARL LEVIN. CARL and I have worked together for many years on this committee, the last 6 as chairman and ranking member. In that time, CARL has demonstrated a thoughtful approach to defense oversight and legislating. His genial disposition—which I believe complements my own temperament well—masks resolute support for a strong national defense and a tenacious will ensure that defense dollars are wisely spent. CARL, you are a trusted partner and a patriot.

This conference report is the product of 10 months of legislative effort, including 53 hearings on the full range of national security priorities. After marking up the President's defense budget request in May, the committee unanimously reported a bill to the Senate on June 4. Six months to the day later, the full Senate passed the bill 98 to 0. In a hopeful sign of the return of regular order to the Chamber, we passed the bill after 33 hours of debate and an open process that resulted in 397 amendments filed, of which 143 were included in the Senate-passed bill.

Our use of an open amendment process on the Senate floor demonstrated that when it comes to addressing national defense, the Senate can still work together in a bipartisan manner. However, before we engage in too much self-congratulation, we should ask ourselves why we are concluding the most important annual authorization bill 3 months after the fiscal year began, and why we have yet to enact a single appropriations bill for any Department or agency of government. The Congress has been caught in so many political impasses of late that we have effectively abrogated our responsibility to provide for the timely authorization and appropriation of Federal programs. The result is increased cost, decreased efficiency, and our willful enabling of dysfunction in government. We can and must do better.

The Defense authorization conference report before the Senate provides for the continued readiness of our Armed Forces and the well-being of servicemembers and their families. It authorizes pay and benefits, research and development, weapons procurement, and military construction projects, and contains provisions designed to improve acquisition and contracting. It also provides the resources, training, equipment, and authorities necessary for our military to continue supporting the Afghanistan National Security Forces as they assume increased responsibility throughout Afghanistan.

This conference report also contains tough sanctions aimed at curbing Iran's pursuit of a nuclear weapon. Iran continues its reckless ways in pursuit of a nuclear weapon. Just recently, the IAEA confirmed that Iran is expected to double the number of centrifuges at its underground enrichment site to 1,400. One provision in this report, originally sponsored by Senators KIRK and MENENDEZ, designates Iran's energy, shipping, and ship-building sectors as entities of proliferation concern, subjecting many transactions with these entities to sanction. It would impose sanctions on persons supplying to Iran certain listed materials relevant to these sectors, to certain Iranian Specially Designated Nationals and Blocked Persons, or to be used in connection with certain Iranian military programs. Finally, it would designate the Iranian state broadcasting company as a human rights abuser for airing forced confessions and show trials; preventing other entities from doing business with it; and banning any travel to the United States.

This conference report also contains a provision that authorizes an increase of up to 1,000 marines for the Marine Corps Embassy Security Group. The tragic events in Benghazi on September 11 demonstrate that the security environment facing our diplomatic corps is as dangerous as ever. This provision will provide for the end-strength and resources necessary to support an increase in Marine Corps security at locations identified by the Secretary of State to be at risk of terrorist attack. Such an increase was also recommended by the Accountability Review Board—the independent panel convened by Secretary Clinton to investigate the events surrounding the Benghazi attack.

The murder of innocents continues in Syria, with over 40,000 people murdered by the Assad regime. This conference report contains a provision that requires the Chairman of the Joint Chiefs of Staff to submit a comprehensive report identifying the limited military activities that could deny or degrade the ability of the Assad regime to use air power against civilians and opposition groups. This provision explicitly notes that it neither authorizes the use of military force nor serves as a declaration of war against Syria.

In the area of military personnel, the conference report provides a 1.7-percent pay raise for servicemembers, and over 30 types of incentives aimed at strengthening enlistment and retention programs. It reinforces Department of Defense programs to prevent sexual assault and will improve the care and management of wounded warriors and those transitioning to civilian life after military service.

The report also recognizes that, in an era of fiscal austerity, the Department of Defense must reduce costs wherever possible, including force structure by, for example, approving nearly all of the fiscal year 2013 increment of the President's proposed reduction of 123,900 military personnel over the next 5 years. But it also requires a similar reduction in civilian and contractor personnel over that same time period.

In addition, the report acknowledges a revised plan by the Air Force to reduce its force structure and retire or divest military aircraft in order to respond to defense budget cuts proposed by the administration. While my State of Arizona fared better than many States, the Air Force's plan includes a cost-saving proposal to convert the manning of an A–10 Warthog training

squadron based at Davis-Monthan Air Force Base in Tucson from the active component to the Reserve, resulting in a decrease of approximately 130 personnel assigned to the base. I support the need for the military services to find ways to reduce costs and realize that we all will have to bear the burden of the impact of reduced defense spending.

Despite modest improvements in recent defense acquisitions, the Department has much work to do to improve its ability to identify and reduce waste. This conference report contains a number of provisions intended to improve oversight on defense contracting, including helping to detect and prevent human trafficking in government contracting. There are also provisions that would help ensure that the Department becomes fully auditable by 2017, as required under law, while improving procurement of the business systems it needs to become auditable. Other provisions help reform how the Federal Government conducts procurement during contingency operations and help ensure that certain whistleblowers who identify waste, fraud, and abuse are protected. The conference report also increases transparency into shipbuilding programs, including Ford Class aircraft carriers and Littoral Combat Ships.

Another important provision in this report addresses cybersecurity, by requiring consultation with Congress if a decision is made to establish U.S. Cyber Command as a unified command and that defense contractors notify the Department of Defense of any network intrusions.

Still another provision in the report requires that, following a decision by the President to reduce U.S. forces in Afghanistan, the Chairman of the Joint Chiefs of Staff submit to Congress his assessment of the risk of that force reduction to our mission and security interests.

This report also requires the Secretary of Defense to submit to Congress a report on the investment plan and resources needed to carry out the U.S. strategy in Asia. I remain uncertain that the Department's plan for the realignment of U.S. military forces in the Asia Pacific Region is adequately supported by budgets and resources in future years. The Center for Strategic and International Studies released a report in August 2012 that raised concerns about whether the plans and strategy proposed by the Department earlier this year are adequately supported by budgets and resources in future years.

Another provision helps protect the Navy's rich tradition of vessel naming. The name the Navy selects for a vessel should not be tarnished in any way by controversy. Unfortunately, controversy has surrounded some of the Navy's recent vessel-naming choices. This bill, therefore, sets forth appropriate and necessary standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on future vessel naming, and requires that the Secretary seek the approval of the congressional defense committees before announcing or assigning a vessel's name.

A particularly important provision gives priority to the Forest Service and Coast Guard to acquire surplus Air Force aircraft, allowing the Forest Service to strengthen its fire suppression capability.

This conference report also directs the Secretary of Defense to designate assignment of military officers as instructors on the faculty of West Point, the Naval Academy or the Air Force Academy as the equivalent of a joint duty assignment to satisfy joint duty requirements.

Finally, this report extends for another year important prohibitions and restrictions on the transfer and release of military detainees from Guantanamo, and the construction or modification of facilities in the U.S. to house them. It also establishes congressional notification requirements for military detainees held on naval vessels and for the release of third-country nationals held in military detention in Afghanistan. In addition, it clearly affirms that nothing in last year's defense authorization bill or the 2001 Authorization for Use of Military Force restricts or denies a person's existing habeas corpus rights or any other constitutional right.

As we look forward to Christmas, I remind my fellow Members to remember the beneficiaries of this legislation—the men and women of our Armed Forces, who serve our Nation bravely and selflessly. Passing this conference report is the very least we can do for so many who are willing to give all they have to defend our Nation.

I urge my colleagues to vote in favor of the conference report of the Fiscal Year 2013 National Defense Authorization Act.

Finally, I would like to thank the ''small but mighty'' Senate Armed Services Committee Republican staff, who have worked tirelessly and effectively in support of me and our members. These loyal staff members, many of whom have served on the committee staff for many years, deserve our sincere appreciation for their dedication to national security. They are Adam Barker, Pablo Carrillo, Chris Brose, Lauren Davis, Church Hutton, Daniel Lerner, Greg Lilly, Elizabeth Lopez, Lucian Niemeyer, Bryan Parker, Ann Elise Sauer, and Diana Tabler.

Mr. President, again, with great reluctance, I thank our staff who have done such a wonderful job. They really have done great. As I say, I am very reluctant to admit it, but we could not have gotten here without their hard work on both sides of the aisle.

ALTERNATIVE FUELS

Mrs. MURRAY. Mr. President, I ask to be recognized for the purposes of a colloquy.

Mrs. MURRAY. Senator LEVIN and Senator HAGAN are here today to talk about the National Defense Authorization Act, which authorizes funds for our troops. This is an important piece of legislation and I have always supported making sure that our military has the equipment, resources and effective policies it needs to perform its missions.

Mr. President, during floor consideration of the defense authorization bill, the Senate took two important votes regarding alternative fuels, signifying that we stood with our military leaders. We eliminated two provisions that would have severely limited the Department of Defense's ability to invest in alternative fuels.

Both votes were bipartisan, and my friend and colleague Senator HAGAN sponsored one of those amendments. I commend Senator HAGAN's leadership and her hard work on this issue.

Mrs. HAGAN. I thank Senator MURRAY. I was proud to stand with my colleagues on both sides of the aisle to support efforts across the federal government that will help provide our military with the strategic advantages it needs to remain atop the world's powers.

A critical component to achieving this goal is to ensure that the Department of Defense is not solely dependent on one fuel source.

Mr. President, the Department of Defense is committed to addressing this critical national security risk, and is taking a joint approach to do so. In August 2011, the Secretaries of the Departments of Agriculture, Energy, and Navy signed a memorandum of understanding to invest $170 million each to spur the production of advanced aviation and marine biofuels under the Defense Production Act.

This joint MOU also requires substantial investment from the private sector, with at least a 1-to-1 match.

Our senior military leaders understand that programs such as this MOU are critical to national security. In July, the Secretary of the Navy, the Chief of Naval Operations, and the Marine Corps Commandant expressed their concern to Chairman LEVIN:

> ''The demand for fuel in theater means we depend on vulnerable supply lines, the protection of which puts lives at risk. Our potential adversaries both on land and at sea understand this critical vulnerability and seek to exploit it.''

Given the importance of this MOU to our national security, I was disappointed when an amendment was adopted by one vote during the Senate Armed Services Committee mark-up that would prevent the Navy from participating further in the MOU. When the bill was considered on the Senate floor, I, along with a group of my colleagues, offered an amendment to strike this provision.

Mr. President, I was pleased when my amendment passed in a bipartisan manner with 54 votes. I believe it sent an important message to conferees.

However, I was very disappointed to see that although the conference report does not prohibit further involvement in the MOU by DOD, it does restrict the Department's participation in construction of alternative fuel refineries until the other agencies contribute matching funds.

However, I have been assured by Chairman LEVIN that the conference committee intends for this restriction to only apply to fiscal year 2013 funds. It would not constrain fiscal year 2012 funds in any way. I ask Chairman LEVIN, is that correct?

Mr. LEVIN. Yes, that is correct. The language does not apply to fiscal year 2012 funds. We should all expect the agencies involved to adhere to the framework set forth in last year's memorandum of understanding.

Mrs. HAGAN. I thank Chairman LEVIN. I appreciate his continued support on this issue. Ensuring that our military leaders have the flexibility they need to invest in alternative fuels is important to our national security. I look forward to continuing to work with the Chairman on this important issue.

Mr. DURBIN. Mr. President, I appreciate the hard work of the chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, on the fiscal year 2013 National Defense Authorization Act conference agreement this whole year.

They have crafted reasonable, responsible compromises in many areas of defense policy. I appreciate that the conferees were able to begin rebalancing our force even as we continue to wind down our presence in Afghanistan.

The men and women in uniform, as well as their families, appreciate that even in this tough fiscal environment the bill would authorize a 1.7 percent across-the-board pay raise.

I also want to acknowledge that Conferees retained my amendment implementing visa bans and asset freezes against those supporting the M23 rebels in Congo.

But there are also several deeply troubling provisions that I must point out. The first issue goes to fundamental questions about basic constitutional protections. Last year I voted against the Defense Authorization bill because the bill included several troubling provisions relating to the treatment and custody of detainees. These provisions make it harder for the government to fight terrorism and are inconsistent with America's commitment to our Constitution and fundamental human rights.

This legislation—for the first time in American history—requires the military to take custody of detainees in the United States.

FBI Director Robert Mueller strongly objected to this military custody requirement. In a letter to the Senate last year, Director Mueller said the bill would, quote, ''inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence.''

Director Mueller concluded that this provision ''introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States.''

Last year's bill also included a provision that could be interpreted to authorize the indefinite detention—without charge or trial—of American citizens in the United States.

And the bill included restrictions that would make it virtually impossible to close the Guantanamo Bay detention center, which our most senior defense and intelligence officials have told us is a recruitment tool for Al Qaeda.

I was hopeful that this year the Defense Authorization bill would undo some of the damage done by last year's bill. Unfortunately, that is not the case.

I am troubled that the conference report does not include the Feinstein-Paul amendment, which passed the Senate by a strong bipartisan vote of 67–29.

This amendment would have prohibited the indefinite detention of American citizens and lawful permanent residents apprehended in the U.S. unless this detention is expressly authorized by Congress.

This amendment would have made it clear that last year's Defense Authorization bill—as well as the authorization to use military force that Congress passed after the 9/11 terrorist attacks—did not authorize indefinite detention of Americans in the United States.

This is a commonsense amendment that is consistent with our Constitution and fundamental human rights. Indeed, the Fifth Amendment of the Constitution provides simply that ''no person shall be deprived of life, liberty, or property without due process of law.''

But the conference report struck the Feinstein-Paul amendment. Instead, the conference report includes a provision stating that the use of force authorization and last year's Defense Authorization bill should not be construed to deny the right to challenge their detention in court—the legal term is habeas corpus—to individuals detained in the U.S. who would otherwise have this right.

This provision is essentially meaningless. The Supreme Court has already held that anyone in the custody of our government has the right to habeas corpus.

This provision would not prohibit long-term detention of American citizens without trial. Without the Feinstein-Paul amendment, it remains unclear whether indefinite detention is permitted.

I also continue to oppose provisions in the conference report that limit the administration's ability to close the Guantanamo Bay detention facility.

Like last year's Defense Authorization bill, this legislation provides that no detainee held at Guantanamo Bay can be transferred to the United States, even for the purpose of holding him for the rest of his life in a federal super-maximum security facility.

And like last year's bill, this legislation provides that the government may not construct or modify any facility in the United States for the purpose of holding a Guantanamo Bay detainee.

The Obama administration has threatened to veto the conference report because of these provisions. Here is what the administration says: ''Since these restrictions have been on the books, they have limited the Executive's ability to manage military operations in an ongoing armed conflict, harmed the country's diplomatic relations with allies and counterterrorism partners, and provided no benefit whatsoever to our national security.''

I agree. I continue to believe that closing Guantanamo is an important national security priority for our Nation.

And I am joined by many national security and military leaders, who say that closing Guantanamo will make us safer. Among them: General Colin Powell, the former Chairman of the Joint Chiefs of Staff and Secretary of State; Former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; Former Defense Secretary Robert Gates; Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff; and dozens of other retired admirals and generals.

Retired Admiral Don Guter was the Navy Judge Advocate General at the Pentagon on 9/11. Listen to what he said just a few weeks ago: ''I want justice. But Guantanamo has not provided that justice and has not made us safer. . . . Guantanamo remains a recruiting tool for terrorists and will remain so until that prison is shuttered.''

I also received a letter from dozens of human rights and religious organizations pointing out that many people around the world view Guantanamo as a symbol of America's retreat from our traditional role as a human-rights champion.

These detainee provisions are not just bad human rights and national security policy. They are completely unnecessary. Look at the track record. Since 9/11, our counterterrorism professionals have prevented another terrorist attack in the United States.

And more than 400 terrorists have successfully been prosecuted and convicted in federal court and are now being safely held in federal prisons. A few of the terrorists who have been convicted in federal court and are serving long prison sentences: Umar Faruk Abulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 WTC bombing; Omar Abdel Rahman, the so-called Blind Sheikh; 20th 9/11 hijacker Zacarias Moussaoui; and Richard Reid, the Shoe Bomber.

Unfortunately, the provisions in this conference report limit the flexibility

of the administration to respond to terrorism in the most effective way. And they do so in a way that calls into question our commitment to our Constitution and human rights.

I am also concerned with the message this conference report sends to the millions of Americans who feel strongly that our gun laws need to be reformed after the mass murder in Newtown, CT.

Over the last few years, Congress has considered and passed a steady stream of legislation that has weakened the gun laws on the books.

For example, Congress passed a law to end the Reagan-era ban on loaded guns in National Parks; passed a law to require Amtrak to allow guns to be transported on their trains even though Amtrak determined after 9/11 that this was too risky; and passed a number of appropriations riders that made it harder for law enforcement agencies to enforce gun laws. I opposed these efforts, but they became law.

Things need to be different now. The growing toll of daily shootings in communities across the nation and the murder of twenty children at Sandy Hook Elementary School have caused Americans to say enough with the constant efforts to roll back gun laws.

It's time for a new conversation on how to best protect America's children from gun violence. That conversation is now underway with the Vice President's task force.

Unfortunately, this conference report contains a provision that yet again weakens gun laws currently on the books. It grants Federal concealed carry privileges to thousands of individuals even though the laws of my State and other States may not permit these individuals to carry concealed weapons.

While this provision was added before the Newtown tragedy, and while there may be legitimate reasons behind it, I am troubled that this is the first gun-related legislation that Congress will pass after the Newtown shooting.

I would much prefer that Congress's first response to Newtown be a more balanced approach that reflects the recommendations of the Vice President's task force. Congress should not continue voting to weaken gun laws while the Vice President's task force is doing its work.

There is another issue in this conference agreement that is very troubling, and that concerns the Navy's energy requirements for the future. The Department of Defense is an enormous consumer of energy, especially fuel for the Navy's global fleet. Every time the price of a barrel of oil increases by $1, the Navy's total fuel costs increase by $31 million.

For our men and women in uniform, energy policy is about security and budgets. That's why Secretary of the Navy Ray Mabus is focused on shifting Navy's energy consumption to fifty percent renewable fuels by 2020.

But the Defense Department's goal is compromised with this conference report.

We voted here in the Senate, on an amendment I was proud to co-sponsor, to ensure that the military has all the tools it needs to invest in technologies that will reduce fuel costs and enhance strategic capabilities.

I was glad to see that the conference committee preserved the Navy's full ability to buy biofuels in the future. But then the conferees adopted provisions that undermine that goal.

One provision will effectively end a joint project between the Department of Defense, the Department of Energy, and the Department of Agriculture to build a refinery for biofuels.

It is unfortunate that this language was included in the conference report because this provision was not originally included in the House- or Senate-passed versions of the bill.

In fact, Senator HAGAN sponsored an amendment, which I co-sponsored, that specifically removed a similar provision from the bill. Senator HAGAN's amendment was adopted on the Senate floor by a vote of 54 to 41.

And as the House-passed defense bill also supported the joint project, it was surprising to see that the conference committee added a new provision to severely limit the biofuels partnership.

This new provision is in direct opposition to the bills supported by a majority of Members in both chambers and I am disappointed to see that the conference committee went against the wishes of the Senate and included it.

Finally, I must also mention the bill's impact on my home state of Illinois on a particular issue. I appreciate Chairman LEVIN and Ranking Member MCCAIN working with the Illinois and Iowa delegation on a bipartisan basis to require an Army plan to sustain Rock Island Arsenal, and all the other aspects of our nation's organic industrial base. Prior Army planning had not included long-term workload plans to sustain the arsenals. I look forward to working with the Committee and the Army as this is implemented next year.

This development notwithstanding, I am concerned about a provision in the bill retained in conference that could require arbitrary cuts to the civilian workforce not supported by the Department's strategy. I co-sponsored Senator CARDIN's amendment to repeal this provision, which unfortunately did not pass on the Senate floor. The House version contained no similar provision and conferees kept much of the original language. I will continue to work with the Defense Department and the Committee to ensure that the flexibility in this provision is used to ensure strategy-driven planning for the civilian workforce.

As I stated up front, the conference report makes a number of critical, responsible decisions that provide our men and women in uniform with the resources and policy authorities they need to provide for our common defense.

Nonetheless, its fundamental weaknesses in detainee policy and other areas mean that I am regretfully unable to support passage of the conference report.

Mr. LEAHY. On November 28, 2012, the Senate overwhelmingly passed my legislation, the Dale Long Public Safety Officers Benefits Improvement Act of 2012 as an amendment to the bill the Senate will likely pass today, the National Defense Authorization Act for Fiscal Year 2013.

At that time, by a margin of 85 to 11, the Senate sent a strong message of support to the men and women across America who serve their fellow citizens as public safety officers. The Senate made clear that this important policy, in place since 1976, is worthy of our continued attention and our efforts to make it better for those it is intended to benefit. I thank the 85 Senators who voted in favor of my amendment on November 28, and for standing with first responders across the United States.

As the Senate gives its consideration to final approval of the National Defense Authorization Act, I want to take a few moments to discuss what my amendment contains, and the intent behind the various provisions within it. Before I do, however, in light of the terrible tragedy in Newtown, CT that occurred on December 14, let me take a moment to recognize the first responders of Newtown and all who answered the call on that terrible day. In the midst of such incredible sadness, let us recognize the men and women who answered that call, who put the well-being of schoolchildren, teachers, and staff ahead of their own safety and entered that school to face the unknown and do whatever they could to help. And let us recognize those who stood bravely to render medical aid and give comfort to others amidst unspeakable violence and sorrow.

In recent days, a quote by the late children's educator and minister Fred Rogers has been shared widely among Americans searching for some light within the darkness of what occurred in Newtown. In the quotation, he recalls how in the face of something frightening, his mother used to tell him, ''Look for the helpers. You will always find people who are helping''. He said then that he was comforted ''by realizing that there are still so many helpers—so many caring people in the world.'' His words exemplify our nation's first responders. I know that this tragedy affects them just as deeply as it affects all of us and in some ways that are difficult for us to fully understand. But the dedication and bravery of these men and women is something that I want to acknowledge and commend. It is their determination and the actions of first responders across the country every day that serve as the foundation and inspiration for the Federal policy we strengthen for them today.

The centerpiece of my amendment to the National Defense Authorization Act is a measure to fill a gap in the

Public Safety Officers Benefits, PSOB, law, which was exposed following the tragic death of a decorated emergency medical technician who served the community of Bennington, VT. Dale Long was killed in the line of duty in a traffic accident while responding to an emergency call. When his surviving family members looked in to filing a claim with the PSOB office at the Justice Department, they learned that a technicality made it impossible for the PSOB office to review Dale Long's claim.

Under the PSOB law, in order for an emergency medical technician serving the public to be covered, he or she must be part of a public agency, as defined in the law. In Vermont, and elsewhere in the United States, particularly in rural areas, there are ambulance companies that do not have a formalized relationship with a state or municipal government, and therefore are not considered a public agency under the law. This technicality meant that Dale Long, and others like him across the country who serve their communities as part of a private, nonprofit rescue company, subject to the same risks and stresses, did not have the security of coverage under the PSOB program. Dale Long's tragedy exposed this gap, and I introduced legislation to fix it.

Mr. LONG worked for the Bennington Rescue Squad, a private, non-profit entity serving Bennington, VT. The Bennington Rescue Squad has been serving the people of Bennington, VT since 1963, and provides paramedic 911 services to that community. It is an integral part of the public safety infrastructure of Bennington, Vermont. Similarly situated men and women who serve others as a part of private, non-profit rescue squads should be placed in the same position that all other EMTs, firefighters, and police officers are relative to the PSOB program. Today, after nearly three years of work in Congress, and through the tireless advocacy of so many in the public safety community like the American Ambulance Association, the Fraternal Order of Police, the International Association of Firefighters, and many others, I expect that this measure will be enacted. This is their law.

The other provisions in this legislation were developed around the provision I drafted to support Dale Long's survivors and all who may find themselves in similar circumstances. In cooperation with House Judiciary Chairman LAMAR SMITH, I assembled a host of other measures to make the PSOB program more equitable, and more efficient for the families of our fallen first responders and those first responders who have been permanently disabled in the line of duty.

Before describing those measures, and the intent behind them, it is important to consider the overarching intent behind the original enactment of the PSOB law. In 1976, Congress enacted the Public Safety Officers Benefits Act in order to accomplish several policy goals. First, Congress sought to provide uniformity to a disparate system for first responder benefits across the country and to ensure that irrespective of the benefits provided in a state, all first responders, regardless of where they lived, would benefit from meaningful assistance. In doing so, Congress also intended to ensure that the Federal PSOB benefit was to be provided in addition to any other death or disability benefits that may be provided by a state. This policy was affirmed by the Supreme Court in the 1986 case of Rose v. Arkansas State Police. There, in affirming Congress' intent to protect the Federal benefit from reduction by the provision of a state benefit, the Court identified that Congress wished to address the inadequacy of death benefits paid to first responders in some states.

At the time of the original law's enactment, Congress also believed and intended that a uniform Federal benefit, irrespective of and immune from reduction by any state benefit, would encourage recruitment and retention of qualified public safety officers. The United States Court of Federal Claims, in upholding the award of a PSOB benefit that had been wrongly denied, wrote in Demutiis v. United States: ''Recognizing the extraordinary risks incurred by officers in serving the public, Congress provided for these death benefits not only as a matter of equity, but also to promote the recruitment and retention of safety officers as part of the national fight against crime.'' This incentive, central to congressional policy, is only meaningful and effective when the process for providing these benefits is efficient and free from unnecessary delay or dispute.

Congress sought with the law to recognize the very real risks that public safety officers face on a daily basis—whether fighting a fire, apprehending a criminal, or providing lifesaving medical assistance during an emergency situation.

The House Judiciary Committee, in its report at the time of PSOB's original enactment, noted that there was a moral component to this program as well. Then, the House Judiciary Committee characterized the original Act as Congress' ''recognition of society's moral obligation to compensate the families of those individuals who daily risk their lives to preserve peace and to protect our lives and property.'' I agreed then, and I believe now as strongly as ever that supporting our first responders is the right thing to do.

The passage of this amendment to the National Defense Authorization Act for Fiscal Year 2013 will add efficiencies to claims processing and expand benefits available under the program, and will further and reaffirm Congress' original intent.

This legislation, which the House of Representatives has approved, and which the Senate now considers, makes several important changes to the broader PSOB law, including the Hometown Heroes law, which I was proud to author in 2003. I will take a moment now to discuss those provisions.

The hometown heroes law makes first responders who have died as the result of a heart attack or stroke in the line of duty, or within a discrete time period following the period while the first responder was on duty, eligible for a death or disability benefit under the PSOB law. The amendment we consider strengthens this law. It does so by adding to the list of qualifying health incidents ''vascular rupture,'' thus broadening coverage under the hometown heroes law. Under current law, in order to be eligible for a benefit, an officer must have suffered a heart attack or stroke. There are, unfortunately, cases on hold within the PSOB office that are not being processed due to the presence of a vascular rupture, which is nevertheless a health event consistent with the type of stressful activity associated with the work that first responders do every day.

The hometown heroes statute recognizes those situations where an officer engages in ''nonroutine, stressful or strenuous physical'' activity. This definition and its implementing regulations have been the source of concern for many in the first responder community. ''Nonroutine, stressful or strenuous'' activity is defined in the law to exclude ''actions of a clerical, administrative, or nonmanual nature.'' Thus the law contains a very limited universe of activities that are expressly excluded from the hometown heroes definition or what type of activity is covered. As author of the hometown heroes law, it was my intent to make sure that those first responders, who suffer a catastrophic health event while on duty or shortly following a period of duty, were covered. No one should doubt the stresses encountered every day by our first responders. If we know one thing about the work that our first responders do, it is that it is unpredictable and is very difficult to characterize as routine. Congress intended that the language delineating the type of activity that would give rise to hometown heroes claim be construed broadly and the addition of ''vascular rupture'' to the list of qualifying health events underscores that intent.

In 2007, the Senate Judiciary Committee held a hearing to examine the Department of Justice implementation of the hometown heroes law. This hearing followed many calls from the first responder community to provide oversight on its implementation. I believe this hearing helped to move the needed regulations along, and served to remind relevant officials that this undertaking and policy was important to the legislative branch. It served to reaffirm that at bottom Congress was seeking

with this law to benefit first responders and that ambiguities should be resolved in favor of the claimant consistent with the overarching congressional policy.

Congress did not intend for lawyers at the Department of Justice to argue with claimants over the meaning of ''nonroutine, stressful or strenuous physical'' activity. Anyone who has served as a public safety officer knows that there is nothing ''routine'' about the work. From responding to an emergency scene to render assistance, performing a traffic stop that can go very wrong in an instant, maintaining custody of inmates, or engaging in a training or fitness exercise, ''nonroutine, stressful or strenuous physical'' activities are expressed clearly in the statute, and Congress understood, and intended, that the vast majority of line-of-duty work in which first responders engage is ''nonroutine, stressful or strenuous physical'' activity. As the statute makes abundantly clear, with its limited exceptions, activities that would be considered routine, and not stressful or strenuous physical activity, consist generally of clerical or administrative activities. Indeed, given the Hometown Heroes statutory presumption, which directs PSOB fact finders to presume that a heart attack, stroke, or vascular rupture is an injury sustained in the line of duty for purposes of a PSOB benefit, Congress made the judgment and intends for such claims to be weighted heavily in favor of providing the benefit.

Under the law, the presumption in favor of the benefit may only be overcome when PSOB fact finders are presented with evidence that factors other than duty-related activities led to a stroke, heart attack, or vascular rupture. The legislation we consider today refines the existing statutory standard to emphasize that the ''mere presence'' of cardiovascular risk factors in a fallen first responder is not enough to overcome this presumption. That is, simply because a public safety officer who suffers a heart attack, stroke, or vascular rupture may have had present risk factors or other indicators of the presence of cardiovascular disease, that is not enough to overcome the strong presumption in favor of eligibility. Nothing in this legislation or the refinement to the Hometown Heroes law should be construed as a departure from this presumption. Indeed, the intent of this provision is to clarify that the burden to overcome the presumption is a heavy one. As Congress recognized in 2003 with the enactment of the hometown heroes law and its statutory presumption, serving as a first responder presents physical and psychological challenges unlike any other occupation in civil society.

In order to expedite claims processing for first responders and to reduce administrative costs within the PSOB office, the legislation we consider contains a measure to include a ''medical or claims examiner'' within the definition of hearing examiner. If enacted, this measure, one resource for the fact finder, is to be used carefully and limited to those instances where the fact finder determines that a ''medical [or claims] examiner'' within a medical specialty or subspecialty may provide in-person examinations or record reviews to gain greater insight regarding a claim. In turn, that examiner will submit a report to the fact finder for consideration. Nothing in this measure, or the House Report's analysis of the companion bill H.R.4018, should be construed to remove the discretion of the fact finder. The fact finder must weigh the totality of the evidence, including reports of independent treating physicians whose experience and expertise regarding an officer's medical history and current condition are invaluable for a greater understanding of the case.

The legislation further amends the PSOB statute to clarify and restate existing practice and procedure that PSOB payments shall be made ''only upon determination by the Bureau that the facts legally warrant payments.'' Without question the Bureau has the duty to responsibly administer the PSOB program according to the law and regulations. Concurrent with this duty is the Bureau's responsibility to survivors: the Bureau must use its best and appropriate efforts to ensure that, where the facts warrant payment, claimants shall receive the benefit.

This means nothing more than that it is the PSOB office, the Bureau of Justice Assistance, as the entity responsible for administering PSOB claims, which is charged to make determinations on claims. This does not approve or compel PSOB fact finders to abdicate to legal counsel their responsibilities to decide claims. The claims process itself in most instances should be sufficient for PSOB fact finders to make the determination required, on the facts presented, under the law. This provision is not an invitation in any way, absent evidence of fraud, to subject claims to unnecessary, protracted legal or medical review. Nor should this provision be construed to alter the well-established standard of review applicable to the claims process, that where the facts of a case ''more likely than not'' warrant payment of a claim, the benefit should be approved. This is a crucial aspect of the administration of the PSOB benefit. And I would take a moment to respectfully disagree with language contained in the House Judiciary Committee's report on the legislation we pass today. Language in the House Report to accompany H.R.4018, which appears to require the Department of Justice '' to objectively test or verify each material factual assertion made and obtain relevant information beyond what claimants may provide'' in order to discharge its legal duty, is inconsistent with the intent of the PSOB law. I would note my strong disagreement with this language, which fails to appreciate Congress' original intent in enacting this law and should therefore be rejected.

When Congress enacted this law in 1976, it did not intend then, and does not today, that this benefit program be an adversarial proceeding for the families of fallen public safety officers or those public safety officers who have suffered a career-ending disability in the line of duty. While the PSOB program has been amended many times over the years to expand coverage to survivors and the public safety community, in too many ways the program has become administratively more complex and cumbersome for families to receive the benefits due them. The hearing record for the Senate Judiciary Committee's examination of this program on October 4, 2007 is replete with testimony concerning the frustrations and unnecessary challenges too many surviving families have faced. Should it be enacted, the legislation we consider today and this statement reaffirm the original purpose of the PSOB law which, in its simplicity and true to Congress' intent, clearly directed that in any case in which the Bureau of Justice Assistance determines that a public safety officer has died of a personal injury in the line of duty, the Bureau shall pay a benefit.

Federal officials, who administer the PSOB program, like all Federal officials involved with providing financial assistance, are under both an ethical and a legal duty to administer PSOB benefits in a manner consistent with the controlling law and regulations. Nothing in this legislation subjects Federal or contract employees determining PSOB claims to any greater liability or penalties than are currently applicable to other government employees. As Chairman of the Senate Judiciary Committee, with oversight responsibilities over the Department of Justice, I have confidence that the men and women of the Justice Department who administer PSOB claims execute their responsibilities with the highest level of integrity, and will continue to do so in the future with the discretion that the law provides. Justice Department officials should be confident that the good work that they do relative to this program, even where the process of review may question their judgment or conclusions, is subject to a law that gives them the freedom to exercise their discretion fairly and impartially. The operative standard for claims evaluation under the PSOB law is one of ''more likely than not'', and this standard by its terms allows ample room for PSOB fact finders to exercise broad discretion. Indeed, it is worth recognizing that the courts have reversed the denial of PSOB benefits on at least eight occasions. I am aware of no instance, however, where the approval of a PSOB benefit was overturned or determined to have been in error.

Let me conclude with a few general points about this important program. Congress enacted this law in 1976 because it recognized then, as we do now,

that the welfare of America's public safety officers, and their families, is worthy of our support. Congress has acted over the last 36 years on several occasions to expand the law. The PSOB program was designed with that overarching principle in mind, and the Department of Justice, in administering the program, must make every effort to ensure that the families of fallen officers and those disabled are provided with the benefit to which they are entitled under the law in an efficient manner.

As the Department of Justice moves forward to implement the improvements that Congress considers today, I look forward to working with officials within the Department's Office of Justice Programs as they carry out their work. And I look forward to seeing these measures put into practice swiftly and with the best interests in mind of the men and woman across the country who serve all of us every day.

## AIR FORCE STRUCTURE

Mr. CASEY. Mr. President, I rise to discuss the National Defense Authorization bill and how it will impact the structure of the Air Force moving forward.

Of particular concern to me and my constituents is the Pittsburgh Air Reserve Station, home of the 911th Airlift Wing located outside Pittsburgh. In its FY13 request, the Air Force proposed the retirement of the installation's C–130 fleet and, by connection, the closure of 911th. I have worked closely with the Pennsylvania delegation to fight against this proposed closure and I would in particular like to thank Senator TOOMEY and Congressmen MURPHY, DOYLE and CRITZ for all of their work on this critical issue.

We all fought so hard against this proposed closure because we believe that the Air Force proposal did not reflect a thorough analysis of the merits of the 911th Airlift Wing, nor its associated cost savings. In its FY13 Force Structure proposal, the Air Force did not provide any analysis on how the closure of the 911th would impact the local community. The lack of transparency associated with the Air Force's initial proposal and infrastructure changes around the country is extremely troubling. This is why I supported the freeze and the establishment of the National Commission on the Structure of the Air Force as mandated by the FY13 NDAA reported out of the Senate Armed Services Committee.

The 911th is a very efficient and cost effective unit installation that is truly part of the proudly patriotic community in the Pittsburgh area. Its aircraft maintenance program has resulted in an increase of aircraft availability days while saving the Pentagon more than $42 million over the last five years. Additionally, the Pentagon pays only $20,000 to lease more than 100 acres for the Wing, which is a small sum when compared to the parallel costs at other bases and installations. Finally and perhaps most importantly, an incredibly skilled and experienced workforce is employed at the 911th installation, a significant and irreplaceable resource for the Air Force. It would be a terrible waste of taxpayer dollars if this installation were to close at this critical time.

I am disappointed in the conferees for removing language that we voted on here in the Senate which would have frozen any infrastructure changes within the Air Force in FY13. I think that this decision was misguided and wrong.

But I understand that the bill also requires the Air Force to maintain an additional combination of 32 C–130s and C–27s. I strongly believe that the 911th is a prime candidate for a new mission that is commensurate with the decades long experience of its workforce and support from the community. On its merits and in the interests of the taxpayer, a sustainable mission should be instituted at the 911th. I think we are in a very strong position to make that case and I look forward to working closely with the Air Force to protect this critical installation.

It is in our National interests that our best citizens are able to continue serving their country. In Pittsburgh, some of these citizens have served our country proudly for generations. We should do all we can to support this tradition of service because it makes economic sense and is in our best national security interests.

Mrs. FEINSTEIN. Mr. President, I rise to address the conference report for the National Defense Authorization Act for Fiscal Year 2013 which we will vote on later today.

I will vote yes on this bill as I did on last year's bill even though nothing in it effectively addresses indefinite military detention, which 67 Members of this body are now on record opposing.

My colleagues will recall that I introduced, with a large bipartisan group of cosponsors, an amendment that provided that U.S. citizens and lawful permanent residents who are apprehended on U.S. soil cannot be detained indefinitely, without charge or trial. The Senate passed this amendment by an overwhelming bipartisan vote, 67 to 29. I am saddened and disappointed that this detention amendment was dropped in conference. I don't understand why we could not ensure that, at the very least, American citizens and green card holders cannot be held indefinitely without charge or trial. As I have said over the past few days, to me this is a no-brainer and is a real missed opportunity.

The main reason I support this bill is because it authorizes $640.7 billion for fiscal year 2013 for the Department of Defense.

This funding ensures our troops deployed around the world—especially those in Afghanistan—have the equipment, resources, and training they need to defend this Nation. For example, the Defense bill fully funds the President's budget request of $5.7 billion to build the capacity of the Afghan National Security Forces so those forces can take over for U.S. forces and take the security lead throughout Afghanistan by 2014.

The Defense authorization bill will also provide the resources necessary to support our defense strategies and allow our military to modernize equipment worn out after 11 years of war in the difficult battlefield environments of Afghanistan and Iraq.

Such resources include investments in our Global Hawk unmanned aircraft, which provide critical intelligence, surveillance and reconnaissance information. These aircraft have also provided crucial support for disaster response efforts, including for rescue workers in the wake of the earthquake, tsunami, and nuclear disaster in Japan.

To increase diplomatic security around the world and so that we learn from the mistakes that took the lives of four Americans in Benghazi, this bill requires the Secretary of Defense to develop a plan to increase—by up to 1,000—the number of marines in the Marine Corps security guard program to be able to deploy them to troubled facilities to protect our personnel abroad.

As I mentioned, the Senate overwhelmingly passed, on a 67 to 29 vote, the amendment to ban the indefinite detention of U.S. persons—citizens and green card holders—without charge or trial.

The amendment would have updated the Non-Detention Act of 1971, which clearly states:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

The amendment would have built on the Non-Detention Act of 1971 so that it applies to not just U.S. citizens but also to green card holders. It would have provided that no military authorization allows indefinite detention of U.S. citizens and green card holders apprehended inside the United States.

The detention amendment stated:

> An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States unless an Act of Congress expressly authorizes such detention.

Unfortunately, as soon as the amendment passed, the language was misrepresented by critics on the left as well as proponents of indefinite military detention on the right, particularly after a handful of Senators who previously opposed this effort switched their vote at the last minute.

Make no mistake, the amendment is not a Trojan horse designed to surreptitiously authorize indefinite detention in the United States. The text of the amendment is clear, and the legal experts I consulted on the amendment agree.

For example, Stephen Vladeck of American University, a law professor who has litigated military detention issues in the Supreme Court and an expert on national security law, testified this year before the Senate Judiciary Committee on S. 2003, the Due Process Guarantee Act, which is almost identical to the detention amendment to the Defense authorization bill. Professor Vladeck reviewed the statements of support for the amendment by Senators CARL LEVIN and LINDSEY GRAHAM—both of whom advocated indefinite military detention powers in the past.

Professor Vladeck wrote:

> The Graham/Levin colloquy sought to cast [the Feinstein] language as doing exactly the opposite of what it says, i.e., as confirming that U.S. citizens can be detained even within the territorial United States pursuant to the logic of the Supreme Court's opinion in Hamdi [v. Rumsfeld].

Professor Vladeck concluded that Senators LEVIN and GRAHAM were ''exactly wrong'' because ''the plain text of the bill is simply irreconcilable with that understanding.''

In another article, Vladeck and Georgetown Law Professor Marty Lederman, another expert on military detention and national security, wrote:

> If it were to be enacted, the amendment would ensure that a future president could not construe the September 18, 2001 Authorization for Use of Force (AUMF), the FY2012 NDAA, or any comparable statute to authorize the military detention of citizens and LPRs [lawful permanent residents] apprehended within the United States.

I agree with these law professors—with whom I worked, in fact, on the drafting of my bill and amendment. It is true the courts have previously reached ambiguous and conflicting decisions regarding whether U.S. persons apprehended on American soil may be subject to indefinite detention under the laws of war. However, far from adding to this ambiguity, I am confident this amendment would bring much-needed clarification to this area of the law.

The Feinstein detention amendment would have updated the Non-Detention Act of 1971 which Congress passed to repudiate the shameful Japanese-American internment experience during World War II. That 1971 landmark legislation, which liberal critics of the detention amendment have made no effort to overturn, protected only U.S. citizens from detention. In contrast, the amendment broadens protections from indefinite detention, protecting both green card holders, called ''lawful permanent residents'', as well as citizens.

At a time when civil liberties are under attack, we should not let the perfect be the enemy of the good. As Professors Lederman and Vladeck note, ''The new Feinstein amendment . . . does protect the vast majority of persons in the United States from noncriminal detention without express statutory authorization . . . .''

As I said during the floor debate on the amendment, I would support extending the protections in the amendment to all persons in the United States, whether lawfully or unlawfully present, but so far we have lacked sufficient support in the Senate to do this. Most Republican cosponsors of the bill said they would not support the legislation if it went that far.

Other critics misrepresent the language of the amendment by charging that it could be read to imply there is an authorization to indefinitely detain illegal immigrants and legal visitors in the United States. In doing this, they ignore the language in paragraph 3 that explicitly prevents such an interpretation. Paragraph 3 of the amendment clarifies that the text to be added to the Non-Detention Act of 1971 ''shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.'' Again, don't take my word for it. Professors Lederman and Vladeck say that the amendment ''would do nothing of the sort.''

The bottom line: Indefinite military detention is incompatible with our values, and this amendment would have been a major step forward to make sure we never return to the dark chapter of American history when we detained Japanese-American citizens out of fear during World War II.

Mr. President, some have pointed to section 1029 of the conference report and said that it accomplishes what the Feinstein amendment would have done. That is not true.

The amendment offered by Congressman GOHMERT regarding habeas corpus, which is now section 1029 of the underlying conference report, does nothing except restate that constitutional rights to file a habeas claim can't be denied.

Consider the exact text of this section, which reads:

> SEC. 1029. RIGHTS UNAFFECTED.
>
> 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 provision doesn't do anything to add to the rights of individuals inside the United States, such as citizens, because the writ of habeas corpus is a constitutional right to appear before a judge to challenge the legality of an individual's incarceration.

During the colonial period, habeas corpus was understood as a writ available to a prisoner, ordering his jailer to appear with the prisoner before a court of general jurisdiction and to justify the confinement.

In the Constitution, after enumerating the powers of Congress, the drafters inserted language guaranteeing the right to habeas when they stated, ''The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.''

So habeas is a constitutional right that already applies to all individuals found in the United States, and habeas rights even extend to noncitizen detainees held in Guantanamo, who have never even set foot in the United States.

This was the issue before the Supreme Court in the case of Rasul v. Bush, 2004 where, in a 6-to-3 opinion written by Justice John Paul Stevens, the Court found that noncitizen detainees at Guantanamo had habeas corpus rights. Justice Stevens also wrote that the right to habeas corpus is not dependent on citizenship status. The detainees were therefore free to bring a habeas claim challenging their detention as unconstitutional.

Because the Constitution already grants this right explicitly—legislation purporting to grant this right is ineffective and simply empty words, meant to make lawmakers feel good but not actually adding anything to the rights of the American people.

The question is not whether Americans still have constitutional rights to habeas. Of course that right and others that are guaranteed by the Constitution remain in place. Rather, the question is, Should the military be allowed to indefinitely detain U.S. citizens in the first place? Should we allow the military to patrol our streets and pick up citizens? I believe the answer to that question—both here in the Senate and across the Nation—is a resounding no.

So I will continue to work to correct the flaws of the Fiscal Year 2012 National Defense Authorization Act, and I look forward to the continued support of the 67 of my colleagues who voted for the Feinstein amendment this year.

I am confident that eventually we will build the support for this amendment that we need on the House side too. Therefore, it is only a matter of time before we prevail. The Feinstein detention amendment is what the American people want, and it would guarantee the fundamental liberty that they deserve.

Mr. JOHNSON of South Dakota. Mr. President, last August Congress enacted, with broad bipartisan support, the Iran Threat Reduction and Syria Human Rights Act of 2012, a comprehensive sanctions bill I coauthored. That legislation, blending various measures introduced by my colleagues with new ideas developed by the Banking Committee, imposed a range of tough new sanctions on the Government of Iran and those who do business with it. This was done to tighten further the squeeze on Iran's major revenue sources, and force its leaders finally to come clean on Iran's illicit nuclear program. The third major piece of Iran sanctions legislation to be enacted in the last 2 years, it followed the Banking Committee's Comprehensive

Iran Sanctions and Divestment Act in July of 2010, and the sanctions imposed on Iran's oil purchases 1 year ago. Those combined sanctions have had a powerful effect on Iran's economy, reducing its oil revenues by up to $5 billion per month, and causing the value of its currency to plummet.

The Defense Authorization conference report being considered today includes a set of additional measures aimed at Iran which broaden and deepen U.S. sanctions against its shipping, energy, shipbuilding and military sectors, and those who deal with entities in these sectors. They also require new sanctions against those supplying Iran certain strategic materials, and expand the sanctions net to those who provide Iran certain financial or insurance services.

All of these new sanctions, and those provided for in our legislation in August which will come online soon, will be implemented at a sensitive time, as the U.S. and our P5+1 allies prepare for what President Obama has described as a renewed push to develop a negotiated solution to this problem. The prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. In the coming months, it will become clear whether Iran will be willing finally to change course, and agree to the terms of the international community to bring an end to its illicit nuclear program, allow for intrusive international inspections of its nuclear sites and activities, and stop its continued support for terrorism and abuses of human rights. Given Iran's track record, there is considerable reason to be skeptical. But the President continues to press to resolve these issues diplomatically if possible, and if that can be done it is obviously preferable to any military alternative. Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. Iran's leaders can end the repression against their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorists around the globe, or they can continue to face sustained multilateral economic and diplomatic pressure and deepen their international isolation.

Let me say a final word about the process. The new measures contained in this bill were offered as a Senate floor amendment, and did not come through the Banking Committee. My view has always been that any innovative legislative ideas that may help force Iran to engage in successful negotiations are worthy of serious consideration. Even so, in negotiating these provisions in a hurried conference committee process, procedural objections raised by House Ways and Means Committee majority staff because of the way the new provisions were offered prompted them to insist on inserting certain exceptions related to import restrictions on certain goods. While I regret that these exceptions were added by the conferees, and think they may need to be addressed in future legislation, they cannot be allowed to weaken or undermine implementation of these sanctions or of the broader sanctions regime already in place. Our staff worked hard, on a bipartisan basis, to ensure that the final version preserves all of the President's very powerful sanctions tools provided for under the International Emergency Economic Powers Act, and does not undermine that authority in any way. I am concerned that as we forward on sanctions an approach which is inattentive to these existing authorities might actually unintentionally undermine them.

As we all recognize, economic sanctions are not an end—they are a means to an end—to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear activities. The Banking Committee will continue to assertively oversee the President's implementation of the comprehensive sanctions regime, and do all we can to provide all the tools he needs to resolve these issues with Iran.

Mr. McCAIN. Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank Senator PRYOR for his tremendous contribution to this bill and to this body. The fight he is waging here is the correct fight. This was not done well by the Air Force, to put it mildly. We froze it. They amended it. We have some problems with the amendment, but we had to reach a compromise with the House, which favored their modified bill, and there are some rough edges to it.

The Senator from Arkansas has very eloquently pointed out one of those rough edges. We put in this place in this bill a commission to try to avoid these kinds of problems in the future. That does not help this year. I wish it could. But, nonetheless, it is because of the efforts of the Senator from Arkansas and others, who pointed out the defects in the process this year, that we have been able to, hopefully, avoid a repetition of this in the future. I thank him for the many contributions he has made to this bill. His fight for his home State is passionate and effective, and I commend him for it.

Mr. President, I yield back our time, if we have any remaining.

The PRESIDING OFFICER. All time is yielded back.

The question is on the adoption of the conference report.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—81

| | | |
|---|---|---|
| Akaka | Gillibrand | Murkowski |
| Alexander | Graham | Murray |
| Ayotte | Hagan | Nelson (NE) |
| Baucus | Hatch | Nelson (FL) |
| Begich | Heller | Portman |
| Bennet | Hoeven | Pryor |
| Bingaman | Hutchison | Reed |
| Blumenthal | Inhofe | Reid |
| Blunt | Isakson | Roberts |
| Boozman | Johanns | Rockefeller |
| Boxer | Johnson (SD) | Rubio |
| Brown (OH) | Johnson (WI) | Schumer |
| Burr | Kerry | Sessions |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Shelby |
| Carper | Kyl | Snowe |
| Casey | Landrieu | Stabenow |
| Chambliss | Lautenberg | Tester |
| Coats | Levin | Thune |
| Coburn | Lieberman | Toomey |
| Cochran | Lugar | Udall (CO) |
| Collins | Manchin | Udall (NM) |
| Conrad | McCain | Vitter |
| Coons | McCaskill | Warner |
| Corker | McConnell | Webb |
| Cornyn | Menendez | Whitehouse |
| Feinstein | Mikulski | Wicker |

NAYS—14

| | | |
|---|---|---|
| Barrasso | Grassley | Paul |
| Crapo | Harkin | Risch |
| Durbin | Leahy | Sanders |
| Enzi | Lee | Wyden |
| Franken | Merkley | |

NOT VOTING—4

| | |
|---|---|
| Brown (MA) | Kirk |
| DeMint | Moran |

The conference report was agreed to.

Mr. HARKIN. Mr. President, as a Senator, I have no greater responsibility than to work to ensure our Nation's security. Our Armed Forces must have the tools they need to keep our country safe. That is why I support the vast majority of the provisions in the National Defense Authorization Act and why I supported the bill that passed the Senate. I particularly note provisions that increase pay and benefits for our servicemembers and retirees, ensure a drawdown of our troops in Afghanistan, allow female servicemembers access to basic health services if they are victims of sexual assault, and limit the annual increases in TRICARE prescription drug premiums. All of these provisions I support and believe are important.

I oppose this bill because I do not believe it adequately reflects our principles. I believe we can do a better job of protecting our national security without compromising important values than what is contained in this legislation.

This Nation has long been a beacon of liberty and a champion of rights throughout the world. Yet since 9/11, in the name of security, we have repeatedly betrayed our highest values. The

past administration believed it could eavesdrop on Americans without a warrant or court order. It utilized interrogation techniques long considered immoral, ineffective, and illegal, regardless of laws and treaties. And, it intentionally sought to put detainees beyond the rule of law. Thankfully, the current administration has ended the worst abuses of these practices, despite the efforts of some of my colleagues to stymie these efforts.

However, I am deeply concerned that the conference report continues us on a dangerous path of sacrificing long-held principles.

To begin, this bill fails to make clear that under no circumstance can an American citizen be detained indefinitely without trial. When the bill was considered in the Senate, I was proud to join 66 of my colleagues in supporting an amendment, authored by Senator FEINSTEIN, which sought to clarify that the law does not authorize the President to indefinitely detain an American seized in the United States and indefinitely detain them without charges and without due process. I am heartened that President Obama has made clear he will not attempt to exercise such power, but I am greatly disappointed that the conference report omitted this language.

Moreover, the bill would make it much more difficult to close the detention center at Guantanamo Bay. There simply is no compelling reason to keep the facility open and not to bring these detainees to maximum security facilities within the United States. The detention center has been, and continues to be, a stain on our Nation's honor. I agree with former Secretary of State Colin Powell who said ''we have shaken the belief that the world had in America's justice system by keeping [the detention center at Guantanamo Bay] open. We don't need it and it's causing us far more damage than any good we get for it.''

In the immediate aftermath of 9/11, the Bush administration declared a broad and open-ended ''war on terror.'' I have always considered this a flawed description of the challenge that confronted us after the 9/11 attacks. After all, ''terror'' is an endlessly broad and vague term. And a ''war on terror'' is a war that can never end, because terrorism and terrorists will always be with us. Because of the never-ending nature of this so-called ''war on terror,'' it offers a rationale for restricting civil liberties indefinitely. This is not healthy for our democracy or for our ability to inspire other countries to abide by democratic principles.

We will not overcome terrorism with secret prisons, with torture, with degrading treatment, with individuals denied basic rights. Rather, we shall overcome it by staying true to our highest values and by insisting on legal safeguards that are the very basis of our system of government and freedom.

Mr. LEAHY. Mr. President, today, the Senate voted, by voice vote, to approve the conference report to accompany H.R. 4310, the National Defense Authorization Act (NDAA) for Fiscal Year 2013. As it always does, the NDAA included a number of important provisions, including critical authorizations for our troops in uniform, for essential defense programs to promote and protect our national security both at home and abroad, and for important programs that keep ours the greatest military in the world.

The conference report approved today also includes two important provisions which I was proud to support. The Dale Long Public Safety Officers Benefits Improvements Act will fill a gap in existing law and extend the Federal Public Safety Officers/Benefits program to paramedics and emergency medical technicians who work or volunteer for nonprofit ambulance services, and their families, when they are disabled or killed in the line of duty. And important measures relating to Department of Defense law enforcement officers are also included.

While I am pleased this conference report includes important elements such as these, I remain deeply concerned about several troubling provisions that remain in the law relating to the indefinite detention of individuals without charge or trial and the conference report drops the Senate amendment we adopted to protect against abuses. The indefinite detention and mandatory detention provisions that were enacted in last year's defense authorization bill undermine our Nation's fundamental principles of due process and civil liberties, and I have worked to eliminate or fix these flawed provisions.

Earlier this month, during debate on the Senate bill, we took a positive step toward fixing these flawed provisions by adopting an amendment offered by Senator FEINSTEIN that I supported to clarify that our government cannot detain indefinitely any citizen or legal permanent resident apprehended in the United States. More than two-thirds of the Senate voted in favor of this amendment, and I viewed this as a constructive part of our efforts to undo some of the damage from last year's NDAA. During the Senate debate on the detention provisions this year, I stated again my belief that the vital protections of our Constitution extend to all persons here in the United States, regardless of citizenship or immigration status. Nonetheless, I voted for this amendment to affirm that indefinite detention has no place in our justice system.

Inexplicably, however, the Feinstein amendment was stripped from the final bill during conference negotiations between the House and Senate. Despite such broad Senate support for the Feinstein amendment, the conference report no longer expressly reaffirms that U.S. citizens and legal permanent residents in America cannot be detained indefinitely without charge or trial. Instead, we are left with the status quo of restrictions and prohibitions on the transfer of detainees that leaves us no closer to closing the detention facility at Guantanamo once and for all.

I have repeatedly said that I am fundamentally opposed to indefinite detention without charge or trial. I fought against the Bush administration policies that led to the current situation, with indefinite detention as the de facto policy. I opposed President Obama's executive order in March 2011 that contemplated indefinite detention, and I helped lead the efforts against the detention-related provisions in last year's NDAA. A policy of indefinite detention has no place in the justice system of any democracy—let alone the greatest democracy in the world.

The American justice system is the envy of the world, and a regime of indefinite detention diminishes the credibility of this great Nation around the globe, particularly when we criticize other governments for engaging in such conduct, and as new governments in the midst of establishing legal systems look to us as a model of justice. Indefinite detention contradicts the most basic principles of law that I have pledged to uphold since my years as a prosecutor and in our senatorial oath to defend the Constitution. That is why I have opposed and will continue to oppose indefinite detention.

In addition to failing to rectify the indefinite detention provisions from last year's NDAA in the conference report, I also continue to be deeply disturbed by the mandatory military detention provisions that were included in last year's NDAA through Section 1022. In the fight against al Qaeda and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need. These limitations abandon our full arsenal of powers. I remain concerned that the mandatory military detention requirements are overly broad and threaten core constitutional principles. Once sacrificed, our treasured constitutional protections are not easily restored. After all, the policy directive of this President can be undone by a future administration.

I find the detention provisions enacted through last year's NDAA and the failure to fix them this year deeply troublesome. I am also concerned about the extension of overly burdensome restrictions and conditions on the transfer of detainees from Guantanamo, even those who have already been found to have had no connection to terrorism. These provisions do not represent Vermont values, they do not represent American values, and they have no place in this world. As a result of the failure of the conferees to seriously address these fundamental wrongdoings and support the principles of our Constitution, I am unable to support final passage of this year's NDAA. Moving forward, as I did last year, I hope to foster a broader discussion about these issues and work to

make concrete changes to protect American values and champion the rule of law. We need a bipartisan effort to guarantee that the United States remains the model for the rule of law to the world.

There is one additional provision that has been excluded from this conference report that is of concern to me and a number of Senators and Congressmen. Both the House and Senate approved in their defense authorization bills language to freeze Air National Guard and Air Force Reserve manpower and force structure in the wake of the Air Force's announced intention to disproportionately target the National Guard as it prepared for Budget Control Act cuts. I joined Senator GRAHAM, Representative HUNTER and Representative WALZ in leading a letter to the conferees signed by 87 members of Congress in support of continuing the freeze and preserving the National Commission on the Structure of the Air Force which was included in the Senate-passed Defense Authorization Act.

I was surprised to see that the conferees rewrote these provisions, instead adopting in this conference report an Air Force proposal that had been neither reviewed nor debated by either chamber. While the final conference report does preserve the National Commission on the Structure of the Air Force, I believe it does not go far enough to protect the fundamental needs and strength of our Air National Guard.

I will continue to work with others here in Congress who believe, as I do, that the Guard represents much of what is best about our country's military.

## UNANIMOUS CONSENT AGREEMENT—H.R. 1

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I have a unanimous consent agreement. If everyone would be patient, we have two votes.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with Senator MCCONNELL, the Senate proceed to the cloture vote with respect to the substitute amendment to H.R. 1; that if cloture is not invoked, the majority leader be recognized; that if cloture is invoked, Senator TOOMEY or designee be recognized for the purpose of raising a budget point of order against the pending substitute amendment; that if the point of order is raised, Senator LEAHY or designee be recognized to move to waive the budget point of order; that there be 10 minutes of debate prior to a vote in relation to the motion to waive; that no other budget points of order be in order to the substitute or the underlying bill; that not withstanding rule XXII, the following amendments be in order: Cardin No. 3393; Grassley No. 3348; Feinstein No. 3421, as modified; Harkin No. 3426; Landrieu No. 3415; Leahy No. 3403; McCain No. 3384, as modified; Bingaman No. 3344; Coburn No. 3368; Coburn No. 3369; Coburn No. 3370, as modified, with two divisions; Coburn No. 3371; Coburn No. 3382; Coburn No. 3383; Tester No. 3350; Paul No. 3376; Paul No. 3410; McCain No. 3355; Merkley No. 3367, as modified; Lee No. 3373, as modified; and Coats No. 3391; that no amendments be in order to any of these amendments prior to votes in relation to the amendments; that the amendments be subject to a 60-affirmative-vote threshold; that there be 30 minutes of debate equally divided in the usual form on each of the amendments, with the exception of the following: 20 minutes equally divided on each of the Coburn amendments or divisions and the Lee amendment; and 40 minutes equally divided on each of the Paul amendments; and 1 hour equally divided on the Coats amendment; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order listed; that there will be 2 minutes of debate equally divided between the votes; that all after the first vote be 10-minute votes; further, that upon disposition of the pending amendments listed, the Senate proceed to vote in relation to the pending substitute amendment, as amended, if amended; that upon disposition of the substitute, the cloture motion on the underlying bill be withdrawn, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 1, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the majority leader indicated that when we have the point of order, I or my designee be recognized. I ask that the distinguished senior Senator from Maryland, the chair of the Appropriations Committee, be the designee.

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

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse

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

The question is, Is it the sense of the Senate that debate on substitute amendment No. 3395, offered by the Senator from Nevada, Mr. REID, to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the government for the fiscal year ending September 30, 2011, and for other purposes, shall be brought to a close?

Mr. REID. Mr. President, I ask unanimous consent that this vote and the next vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 91, nays 1, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

| | | |
|---|---|---|
| Akaka | Graham | Nelson (NE) |
| Alexander | Grassley | Nelson (FL) |
| Ayotte | Hagan | Paul |
| Barrasso | Harkin | Portman |
| Baucus | Hatch | Pryor |
| Begich | Heller | Reed |
| Bennet | Hoeven | Reid |
| Bingaman | Hutchison | Risch |
| Blumenthal | Isakson | Roberts |
| Blunt | Johanns | Rockefeller |
| Boozman | Johnson (SD) | Rubio |
| Boxer | Johnson (WI) | Sanders |
| Brown (OH) | Kerry | Schumer |
| Cantwell | Klobuchar | Sessions |
| Cardin | Kohl | Shaheen |
| Carper | Landrieu | Shelby |
| Casey | Lautenberg | Snowe |
| Chambliss | Leahy | Stabenow |
| Coats | Lee | Tester |
| Cochran | Levin | Thune |
| Collins | Lieberman | Toomey |
| Conrad | Lugar | Udall (CO) |
| Coons | Manchin | Udall (NM) |
| Corker | McCain | Vitter |
| Cornyn | McCaskill | Warner |
| Crapo | McConnell | Webb |
| Durbin | Menendez | Whitehouse |
| Enzi | Merkley | Wicker |
| Feinstein | Mikulski | Wyden |
| Franken | Murkowski | |
| Gillibrand | Murray | |

NAYS—1

Kyl

NOT VOTING—7

| | | |
|---|---|---|
| Brown (MA) | DeMint | Moran |
| Burr | Inhofe | |
| Coburn | Kirk | |

The PRESIDING OFFICER. On this vote, the yeas are 91, and the nays are

1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have a lot more work to do. This will be the last vote of the day, the one coming up.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Reid amendment No. 3395, in the nature of a substitute.

Reid amendment No. 3396 (to amendment No. 3395), to change the enactment date.

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.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to raise a point of order against a very small segment of this bill, and I wish to yield myself some time to discuss that at this time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the critical sections of that act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, there will be 10 minutes of debate equally divided prior to a vote on the motion to waive.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I understand the Senator from Pennsylvania wishes to speak. I just need to essentially object to his point of order. I do this because although I know he is indeed well intentioned—Mr. President, the Senate is not in order. This is an important precedent that could be set, and I would like Members not to talk.

The PRESIDING OFFICER. If Members would please take their conversations out of the Chamber if they wish to talk. If not, could they be quiet.

Ms. MIKULSKI. I want them to more than be quiet. We are talking about a precedent in the Senate, so I would like, please, if Senators could take their conversations either in the back or off the floor.

The PRESIDING OFFICER. Yes. OK. If Senators could be quiet and listen, and if you must talk, could you do it off the floor.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the reason I am so insistent is, No. 1, the decorum of the Senate; and No. 2, this is a dangerous precedent. If this point of order is sustained, it will mean $3.4 billion of urgent disaster relief in this supplemental has to be offset in future appropriations bills. This will mean real consequences this year.

Now, in a $1 trillion budget and the way we talk about money $3.4 billion might not seem like a lot, but it does mean a lot in disaster assistance, and it does mean a lot to the Appropriations Committee. This is a $3.4 billion unspecified cut that will go to domestic programs for fiscal year 2013.

I wish to remind my colleagues we are in a 6-month CR now, so this means right in the middle of a CR, until March, we have to take out an additional $3.4 billion. This will have a terrible impact on domestic programs, and it is a dangerous precedent. We have never offset disaster assistance, and I urge the adoption of my position.

I yield to the Senator from New York whose community is suffering, and he has done an able job in helping to manage this bill.

Mr. SCHUMER. Mr. President, first, I wish to thank my colleague from Pennsylvania. He didn't try to knock out the whole thing and we appreciate that. Having said that, I urge any of my colleagues in disaster areas to think very carefully before they vote for this. This will be the first time ever when a disaster is declared that we have offset money for it. That will mean that disaster money will be much less readily available in the future. The precedent is an awful one. It is something that goes against 100 years of Democrats, Republicans—north, east, south, and west—voting to, when one area has trouble, send the money, without spending months and months and months fighting about whether to cut this or cut that or raise these taxes or do this or that to offset.

I would say we had this fight when Irene came about, and 19 of our colleagues came to the wisdom that it was a bad idea to offset it, and we didn't.

So I urge and plead with my colleagues, on this quick notice to reverse 100 years of decisionmaking and start invoking offsets for disaster, which this is—it is mitigation. We have always done mitigation. It means that instead of rebuilding in the floodplain, we build in a different place nearby. It means instead of putting all of these machines that are flooded in the basement, we put them on the third floor. It means if there is a beach that is not protected, we build a berm. That is mitigation. It is all related to protecting from a disaster and not making the same mistake of building in a floodplain or not protecting in a subway or whatever.

We have always done it. We have never offset mitigation, and it has been in every disaster relief. So I plead with my colleagues to think twice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I have a different plea for my colleagues; that is, to sustain this budget point of order, acknowledging that it does not cut one dime of spending from this supplemental. If my budget point of order is sustained, every single dime, if it were eventually passed—every dime that is allocated for future mitigation would, in fact, be spent for future mitigation.

The question before us is, when we are running trillion-dollar deficits, must we add another $60 billion on top of that deficit?

So what I have done is I have looked at this bill, and there are many parts that are not directly in aid of any of the victims of Sandy.

Look, my State was hit by that storm, not nearly as bad as New York and New Jersey and Connecticut and some others. But there are real victims of this storm, there are genuine needs, and we need to fund those needs. I am in favor of making sure we do fund the needs that we have. But we have a category of spending that is going for construction for years to come to mitigate against dangers of future storms in future years and future decades. That might be very wise, that might be very appropriate spending, but it is not an emergency.

This is not sandbags around someone's house who is in danger of a storm. That kind of infrastructure spending is the kind of spending we do routinely, but we plan for it and we budget it. If it is, indeed, the priority that many people—probably, including myself—believe it is, then it ought to be weighed in competition with the other pressing needs, and we ought to plan for it and budget for it. That is all I am asking.

So this budget point of order does not cut one dime of spending from this bill. It simply says the $3.4 billion that is identified for the construction of future mitigation projects would count toward the discretionary spending caps we have in place. Unfortunately, our deficit would grow if all else stays the same, but at least not by that $3.4 billion. That part would eventually have to be offset with some modest restraint on discretionary spending at some point.

But I would stress that there is not a dime that will be cut from this bill by virtue of this point of order, and it would establish that going forward, hopefully, when we are doing long-term construction projects for future mitigation, we would consider them in the context of the infrastructure spending that they are.

So for that reason, Mr. President, pursuant to section 314(e)(1) of the Congressional Budget Act of 1974, I raise a

point of order against the emergency designation in the appropriation for the Army Corps of Engineers, ''Construction,'' contained in title 4 of the substitute amendment. And I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act, and I ask for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 34, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—57

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

NAYS—34

| | | |
|---|---|---|
| Alexander | Grassley | Murkowski |
| Ayotte | Hatch | Paul |
| Barrasso | Heller | Portman |
| Boozman | Hoeven | Risch |
| Chambliss | Hutchison | Roberts |
| Coats | Isakson | Rubio |
| Collins | Johanns | Sessions |
| Corker | Johnson (WI) | Thune |
| Cornyn | Kyl | Toomey |
| Crapo | Lugar | Wicker |
| Enzi | McCain | |
| Graham | McConnell | |

NOT VOTING—8

| | | |
|---|---|---|
| Brown (MA) | DeMint | Lee |
| Burr | Inhofe | Moran |
| Coburn | Kirk | |

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

VOTE EXPLANATION

• Mr. BROWN of Massachusetts. On Thursday, December 20, 2012, my father, Claude Bruce Brown, passed away. Growing up, my relationship with my Dad was a complicated one. As we both matured, our relationship, respect and love for each other also matured. He was a good man with a big heart. Our family—my wife Gail, and my daughters Ayla and Arianna—are thankful to his wife, Peggy, her family and for their unwavering love for him during his difficult final days. I will miss my father's guidance and his sense of humor.

As a result of my father's passing, I am departing Washington so that we can be together and mourn together as a family. Unfortunately, that means that on Friday, December 21, 2012, I am not present in Senate for three rollcall votes. In my nearly 3 years of service in the Senate, I have only missed one vote, and I want to be clear about how I would have voted on the measures that are before the Senate today.

I strongly support the Conference Report to accompany H.R. 4310, the Department of Defense Authorization bill, and I would have voted aye in favor of its passage. Providing the necessary resources to our men and women in uniform is critical, and as a member of the Senate Armed Services Committee, I applaud the authors of this legislation for their work on this measure. It contains many provisions that I believe are important to both the Commonwealth of Massachusetts and the security of our Nation.

Additionally, I would have supported the motion to invoke cloture on the Reid substitute amendment No. 3395 to H.R. 1, the vehicle for the Hurricane Sandy emergency supplemental appropriations bill. Hurricane Sandy had a major impact on the Commonwealth of Massachusetts and had a terrible toll on New York and New Jersey especially.

Finally, on the motion to waive the Budget Act point of order on a small portion of that disaster response bill that did not pertain to responding to the impacts of Hurricane Sandy, I would have voted no. I believe that funding for infrastructure improvements to mitigate the impacts of future storms is critical, but should be fully offset in the future. This is consistent with all of the new spending efforts that are considered under the bipartisan budget controls currently in place.•

The PRESIDING OFFICER.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know the hour is late and there are Members who want to go home. We have been through an emotional roller coaster here in the Senate, as has the Nation. One week ago we saw this terrible, horrific shooting in Connecticut. While the Nation mourned what happened there, we mourn here in the Senate because of the passing of Senator Inouye. Yet the work of Senator Inouye went on through the urgent supplemental.

I would like to thank the Senator from New York for helping with the management of this bill, as well as the Senator from Vermont and Senator LANDRIEU, the chair of the Homeland Security Subcommittee, who have all done good work.

DAN INOUYE

We Senators know we are only as good as our staff. As the Inouye era goes through its transition, I would like to thank the Inouye staff first of all for everything they have done on this bill. I thank the Inouye staff for all they did in staffing for truly one of the great icons in the Senate. Now, do not think the Inouye staff is going to go away under BARBARA MIKULSKI. I want to publicly thank them on behalf of all of the Senate that they held their own emotions in control so we could move forward with the Senate business. That is what professional staff is. They are the highest and the best of the best. I think the Senate owes them a debt of gratitude. I will lean on them to be back here on Thursday to move this bill in regular order.

I want to just end today's proceedings by saying God bless Senator Inouye and all that he meant to America, and God bless the staff, who has helped him be one of the greatest Senators in American history.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Would the Senator yield?

Ms. MIKULSKI. Yes.

Mrs. HUTCHISON. Mr. President, I want to say that we all will miss Senator Inouye. He was one of the most loved people who have ever served in this Senate. But I also want to say that we have passed on now and will take the bill in its entirety later. But because of the leadership of Senator MIKULSKI and many others working together, we now have a start on the supplemental appropriation.

We have worked in the Senate together to accommodate the concerns of many on our side about that bill. We have now had a say. I think there will be overwhelming support now for going forward. I think that is due to the ability of Senator MIKULSKI to step to the plate and become the first woman chairman of the Appropriations Committee in the history of the Senate.

She has already shown the leadership that will continue in her tenure as chairman. I have worked with her as the ranking member of the subcommittee this last year on appropriations. She has been chair, and I have been the ranking member. I will say that every time we have had a disagreement, it has been worked out, and we have passed our bills, our legislation. That is what is going to happen next year as she becomes the chairman of Appropriations. I think it is a good day for the Senate.

Ms. MIKULSKI. 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. SCHUMER. 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. SCHUMER. Mr. President, first, I would like to congratulate Senator MIKULSKI on a fine first day on the floor as chair of Appropriations. We are all excited about it on both sides of the aisle and expect great things of that committee next year. Perhaps there will be a change—we will get appropriations bills done, get them on the floor, and move them under her leadership.

I also want to thank Senator LANDRIEU, who is not here, who really helped out as well, as well as Senator MURRAY and Senator FEINSTEIN. I thank them very much.

I also thank the staff, which really is professional. In England, they are a civil service. It is the highest calling, it is professional, and it works hard no matter who is in charge. They do a great job. You are our English civil service, which is a very high compliment.

Mr. President, 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. SESSIONS. 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.

The Chair will announce that following the invoking of cloture on Senate amendment No. 3395, the motion to commit fell, being inconsistent with cloture.

The Senator from Alabama.

TRIBUTE TO NAVY COMMANDER JEFFREY A. BENNETT II

Mr. SESSIONS. Mr. President, I rise today to honor Navy CDR Jeffrey A. Bennett II. Commander Bennett served as a military fellow in my office since December of last year. He brought to public service the same passion and honor he brought to military service.

Commander Bennett is a 1992 US Naval Academy graduate who was nominated for the academy by the chairman of the Armed Services Committee, CARL LEVIN, several years ago.

He came to my office after a tour serving as captain of the USS Stockdale, an Arleigh Burke class guided missile destroyer. I know he was an excellent captain, indeed, I have personally observed Commander Bennett's abilities. I am very impressed. He has a good strategic grasp of America's challenges, while also mastering the details necessary to fully grasp military budget and financial issues, among other matters that we deal with.

His command of defense authorization and appropriations legislation from both the House of Representatives and the Senate has been exceptional. He consistently puts in late nights and long weekends studying the details of legislation affecting programs that are vital to our national defense and the State of Alabama.

More importantly, Jeff possesses excellent judgment. I have valued his judgment and insight on global issues as well as the more rigorous and detailed issues that come up in the Senate. I can say without hesitation, he has fulfilled the high reputation that the Navy Fellowship Program has earned in every way. He has been a tremendous resource to my office. He is a man of integrity, who puts his country first. He is committed to serving America in whatever role he is given. All the while, he carries out his duties with exceptional grace, collegiality, and positive spirit. I am exceedingly impressed with Jeff, both as a person, an officer, and a staff member.

His time in my office has gone too quickly. We will miss the force of his fine mind, his hard work, and his positive approach to all challenges. The Navy most surely has an unusually talented and valuable officer in Commander Bennett.

Commander Bennett has served my office with honor and distinction, truly personifying the qualities of a U.S. naval officer.

I would be remiss if I did not thank his wonderful wife Heather and his children Grace and Jay. As is the case with all our military families, we know that Commander Bennett's service is one supported and shared by the whole family. He is, indeed, a great family man.

I look forward to following his bright career and continuing service to God and country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5949

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding cloture having been invoked, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 510, H.R. 5949; that the only first-degree amendments in order to the bill be the following: LEAHY, MERKLEY, PAUL, WYDEN; that there be 30 minutes of debate equally divided between the proponents and opponents on each amendment; that there be up to 5 hours of debate on the bill equally divided between the proponents and opponents; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the request be modified—I reluctantly do this—to set a 60-affirmative-vote threshold on each of the amendments and passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, both sides are working to pass the intelligence authorization bill for 2013.

I voted against this legislation when it was marked up in committee. I objected to it here on the floor last month. But I am able to support it at this time.

The bill has a number of valuable provisions in it, and I thank Chairwoman FEINSTEIN and Vice Chairman CHAMBLISS for making the changes in the bill to address my concerns.

The changes Senators FEINSTEIN and CHAMBLISS have made would remove a number of provisions that were intended to reduce unauthorized disclosures of classified information, of course, known as leaks.

I objected to these provisions because, in my view, they would have harmed first amendment rights, led to less informed public debate about national security issues, and undermined the due process rights of intelligence agency employees, without actually enhancing national security.

I am going to take a few minutes to explain my views on this so that those who are not on the Intelligence Committee and who have not heard this issue addressed before will understand what the debate was about and what I believe has been accomplished.

I certainly agree with Senators that unauthorized disclosure of national security information, known as leaks, is a serious problem. Unauthorized disclosure of sensitive information can jeopardize legitimate military and intelligence operations, and even put lives at risk. So I do believe it is appropriate for Congress to look for ways to help the executive branch protect information that intelligence agencies want to keep secret, as long as Congress is careful not to do more harm than good.

Personally, I have spent more than 4 years working on the legislation to increase the criminal penalty for those who are convicted of deliberately exposing covert agents, and I was pleased that, with the help of Senators on both sides of the aisle, that legislation was finally signed into law in 2010. So I am all for the Congress recognizing that leaks are a serious problem and for doing things to show the men and women of the U.S. intelligence community that the seriousness of this issue is recognized in this body.

It is important for Congress to remember, however, that not everything

that is done in the name of stopping leaks is necessarily wise policy. In particular, I think Congress ought to be extremely skeptical of any antileak legislation that threatens to encroach on the freedom of the press or that reduces access to information that the public has a right to know.

A number of Senators may be aware that my father was a journalist who reported on national security issues. Among other books, he wrote what has been called the definitive account of the Bay of Pigs invasion, as well as an authoritative account of how the United States came to build and use the first atomic bomb. Accounts such as these are vital to the public's understanding of national security issues. Without transparent and informed public debate on foreign policy and national security topics, American voters are ill-equipped to elect the policymakers who make important decisions in these areas.

Congress too would be much less effective in its oversight if Members did not have access to informed press accounts on foreign policy and national security topics. And while many Members of Congress do not like to admit it, Members often rely on the press to inform them about problems that congressional overseers have not discovered on their own. I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing—such as the NSA's warrantless wiretapping program or the CIA's coercive interrogation program—only as a result of disclosures by the press.

With all of this in mind, I was particularly concerned about sections 505 and 506 of this bill because both of them would have limited the flow of unclassified information to the press and to the public. Section 505, as passed by the Intelligence Committee, would have prohibited any government employee with a top secret, compartmented security clearance from ''entering into any contract or other binding agreement'' with ''the media'' to provide ''analysis or commentary'' concerning intelligence activities for a full year after that employee left the government.

That provision would clearly have led to less-informed public debate on national security issues. News organizations often rely on former government officials to help explain complex stories or events, and I think it entirely appropriate for former officials to help educate the public in this fashion.

I am also concerned that prohibiting individuals from providing commentary could be an unconstitutional encroachment on free speech. For example, if a retired CIA Director wishes to publish an op-ed commenting on a public policy debate, I see no reason to ban that person from doing so even if they have been retired less than a year. This provision also would have said that retired officials who comment in the media would not be able to serve on advisory boards for the intelligence community, which I believe would have deprived the community of valuable knowledge and advice.

Section 506 would also have led to a less informed debate on national security issues by prohibiting nearly all intelligence agency employees from providing briefings to the press, unless those employees gave their names and provided the briefings on the record.

It seems to me that authorized unclassified background briefings from intelligence agency analysts and experts are a useful way to help inform the press and the public about a wide variety of issues, and there will often be good reasons to withhold the full names of the experts giving those briefings. I have seen no evidence that making it harder for the intelligence agencies to provide these briefings will benefit national security in any way. So I see no reason to limit the flow of information in this manner.

The third provision I thought was troubling was section 511, which would have required the Director of National Intelligence to establish an administrative process under which he or she and the heads of the various intelligence agencies would have had the authority to take away pension rights from an intelligence agency employee or a former employee. That could be done if the DNI or the agency head determined that the employee knowingly violated his or her nondisclosure agreement and disclosed classified information.

I have been concerned that the Director of National Intelligence himself said this provision would not be a significant deterrence to leaks, and that it would neither help protect national sensitive security information nor make it easier to identify and publish actual leakers.

Beyond these concerns about the provision's effectiveness, I have also been concerned that giving intelligence agency heads broad new authority to take away the pensions of individuals who have not been formerly convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, particularly when the agency heads themselves have not told Congress how they would interpret and implement the authority.

As many of my colleagues will guess, I was especially concerned about the rights of whistleblowers who report waste, fraud, and abuse to the Congress or the inspector general. I have outlined these due process concerns in more detail in the committee report that accompanies this bill.

I would just note for a moment that I was particularly concerned that section 511 would have created a special avenue of punishment that only applied to accused leakers who worked for an intelligence agency at some point in their career. There are literally thousands of employees at the Department of Defense, State, and Justice, as well as the White House, who have access to sensitive national security information. I do not see a clear justification for singling out intelligence community employees when there is no apparent evidence these employees are responsible for a disproportionate number of leaks.

For what it is worth, Robert Litt, the general counsel for the Director of National Intelligence told the American Bar Association last month that in his view these proposals, ''really would not have any deterrent impact or punitive impact on leaks, and might in fact have an adverse impact on the free flow of information to the American people.''

In summary, I am grateful to the chair of the Intelligence Committee, Senator FEINSTEIN, and vice chairman, Senator CHAMBLISS, for responding to the concerns that I have outlined by removing nearly all of the antileak provisions from this legislation. The provision that remains would require the executive branch to notify the Congress when they classify information to disclose it to the press.

I believe this provision will lead to more informed public debate by making it clear to Members of Congress whether particular press reports are based on authorized but unattributed disclosures that we can respond to as we see fit, and unauthorized leaks that would not be responsible for us to confirm or deny. So I believe that particular provision is useful, and I commend the chair and vice chairman for including it.

In summary, I think we all understand that in these important intelligence debates—and I remember when the Presiding Officer was on the committee and doing good work—we always understood that it came down to striking a balance. There is something of a constitutional teeter-totter where on one side we have protecting collective security, and on the other said we have the public's right to know and the individual liberties of the American people.

As written, as reported by the committee, I believe that legislation would have seriously put out of balance the constitutional ''teeter.'' I think it would have harmed legitimate first amendment rights. I think it would have done damage to the public's right to know. I believe it would have discouraged the ability to ensure that we had a thorough and adequate discussion of issues that are so important for the American people, as the American people look to the Congress of the United States, and particularly this body, to strike the appropriate balance, the right balance, between protecting our country at a time when there are serious threats and, on the other hand, protecting our individual liberties and protecting the public's right to know.

With the changes the Chair, Senator FEINSTEIN, and the vice chair have accepted, I believe this legislation now

strikes the right balance. With both sides working on an agreement to improve the intelligence authorization bill for 2013 by unanimous consent, it is my hope that legislation will be approved by unanimous consent shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

THE FISCAL CLIFF

Mr. SESSIONS. Mr. President, President Obama made a statement within the last hour or so. He called on Congress to act to avoid the fiscal cliff.

We know last night the House was unable to bring forward a bill that would deal with the fiscal cliff. Previously, they passed a bill that would have solved that problem and put us on the right path, but they did not pass another bill last night.

The Senate has not acted. There has been a lot of criticism of the House, that the House failed to pass legislation last night. However, the Senate has passed no legislation.

The President made a little speech this afternoon, and I take it as a serious statement. But previously he made a speech on his budget plan. It sounded good. It had a lot of things in it that sounded good. I believe Congressman RYAN, the budget chairman in the House, sent it to the Congressional Budget Office and asked that they score it. A score means they analyze how much taxes are going to be raised—exactly how much—how much spending is going to be increased or reduced, and then they lay out an analysis, called a score, of what that proposal actually will do. That is what how we are supposed to consider budgets here.

So they sent the President's previous speech over to the Congressional Budget Office. The Congressional Budget Office said: You cannot score a speech. Sorry. Well, you cannot score a speech.

We are about to come back in next week. Maybe they will try to finish Thursday, maybe go into Friday. But we do not need to have a serious matter involving more than $1 trillion of the U.S. taxpayer's money dropped on the Senate next Thursday without us being able to read it and analyze it and having it scored. We can't be expected to rubberstamp it like the old Soviet Politburo, the Duma, where leaders would put out the word to the members they would all vote just like that, 445 to 5 or something like that. And they called themselves a democracy.

We do not need that in the Senate. We, each Senator, represent individual Americans, millions of them. They expect us to know what we are voting on. Secret meetings and secret talks between just the Speaker and the President is not a good process. I do not know what is going on in these talks. I am the ranking member of the Budget Committee. I am just one Member of Congress who has a role in this process. Many others have a lot bigger role than I have, but none of us know what is going on in these secret meetings. But each Senator has an equal vote. Each Senator has an equal responsibility to represent their constituents.

So I am uneasy about this process. So I will just say this: Nobody should criticize the House of Representatives for not producing legislation last night until they have passed their own proposal. The Senate has had just as much time as the House to lay out a plan. Months ago the House laid out a 10-year budget plan that would put America on a sound financial course.

Everybody can have different views on it, but it is a comprehensive plan that would start reducing our deficits and put us on a good long-term course. It has been complimented by people on both sides of the aisle. Meanwhile, the Senate has produced nothing. We have gone 3 years without a budget. We have not had a serious and broad debate about the financial challenges of America. Senator CONRAD had a number of very important hearings with witnesses 2 years ago in the Budget Committee. We talked about the issues. No bill was brought forth in committee that was actually marked up. That was a decision made by the Democratic leadership. They decided not to bring forth a budget. It was calculated. They never brought one forward despite the fact the law requires one. The United States Code requires a budget be brought up by April 1. They decided not to do so and would take the criticism from people like me. They took their lumps and never brought a budget forward.

Now for 3 years, they never produced a concurrent budget, but they have had great fun attacking Congressman RYAN in the House, who passed a budget, a comprehensive, historic budget that would change the debt course of America—never having produced anything. But we have had a number of speeches, a lot of speeches, a lot of outlines, a lot of proposals and schemes and plans, difficult to score, and never finally reaching fruition so that they could actually be considered by this body.

So I guess what I would conclude with is to say I am glad the President discussed the budget problem in a little speech this afternoon. He has an entire Treasury Department. He has a Director at the Office and Management and Budget overseeing hundreds of budget experts. They have more than enough capability to produce detailed financial plans and make these plans public. He could make his detailed plan public today. Presumably, he would not have made a speech today if someone in the OMB or the White House or the Treasury Department had not approved the outline of his plan. At the very least, that outline ought to be placed in print for everyone to see.

Senator REID should bring it up on the floor. It should be sent to the Congressional Budget Office to be scored. It should be analyzed. They should do that long before the Senate meets next Thursday. It should have been done a month ago.

I do find it odd—think about this—that the President has not laid out a plan since the election over a month ago. He won the election. He said certain things he wants to see in a plan, higher taxes and more spending. Indeed, he had some spending cuts. He said: My plan cuts spending. But he has failed to note and acknowledge that the plan, as reportedly laid out by Secretary of Treasury Geithner in closed meetings, had far more spending increases than spending cuts. So the President's proposal as laid out by Secretary Geithner, on net, increases spending. It increases spending, it does not reduce spending.

It has some reductions of spending in it, but spending increases overwhelm the spending reductions. So it is not right, is it, for the President of the United States to say: I have a plan to cut spending. He has been meeting in secret with BOEHNER, so we have to base this on reports, but this is what it appears to do.

I believe Senator REID would serve the President well if he called him up and said: Let's get that fiscal cliff proposal over here and have your team meet with my staff, and we will publish it on Saturday. Congress can begin to look at it, and maybe we can beat this January 1 deadline and not go over the cliff. That would be my suggestion as to how we should proceed, and every Senator should have as much time as possible to study it. It should be made available to the House because they would ultimately also be called on to vote on it. Everyone should see it as soon as possible. That is the way government should be run.

I have written an op-ed, printed in the Wall Street Journal and elsewhere, that says America would really be better off had we used the legitimate committee process of the Senate to address this problem. The President can advocate for his views, the Republicans can advocate for their views, and the Democratic Senators can advocate for their views. We would actually have votes, and some of them would be tough votes, but we can begin to see where we stand, where the votes are.

If somebody wants to raise taxes and it gets voted down and somebody wants to cut taxes and it gets voted down—those votes happen over a period of time, and the numbers are all out there for everyone to see. At that point, it is much easier to tell your constituents: I have truly fought for the things I believe.

Now, I think it is best for America that we reach a compromise. That would be better than this process by which the whole Senate sits while the Speaker of the House and the President of the United States meet to develop a plan that we are presumably expected to, like the old Communist Duma, ratify at the eleventh hour without time to actually study it, with no real input. That is how this government, this Senate, was meant to work.

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

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

AMENDMENTS NOS. 3396 AND 3398 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the following amendments be withdrawn: Nos. 3396 and 3398.

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

## MORNING BUSINESS

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

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

## THE ''DAIRY CLIFF''

Mr. LEAHY. Mr. President, I have spent time on the Senate floor this week talking about the emergency supplemental appropriations bill to address Hurricane Sandy. But today I remind the Congress of another impending disaster. Unlike Sandy, but exactly like the fiscal cliff crisis, this is a man-made disaster that can and must be averted by December 31. Unfortunately, this calamity has been artificially created and forced upon us by forces of stalemate and obstruction in the House of Representatives. This disaster involves the Farm Bill and what happens on the first of January if the House continues to hold the Senate-passed Farm Bill hostage.

The American people have heard again and again about the fiscal cliff. Today, once again, I am talking about the ''dairy cliff'' that awaits us if the House continues to block action on the Farm Bill. A full six months have passed since the Senate approved a strong Farm Bill with bipartisan support. We came together in the Senate and passed a 5-year Farm Bill that contains some of the most significant reforms in agricultural policy in a generation, while providing $23 billion in real deficit reduction.

After we passed the Senate Farm Bill, the House Agriculture Committee held a markup of their bill in July and passed a bipartisan bill out of Committee. Regrettably, that is where their work ended. The leadership in the House has refused to even bring their bill to the floor for debate, something that has not happened in the past 50 years.

Inaction by the House caused the Farm Bill to expire on September 30, terminating authorizations for a long list of important programs that benefit farmers, rural communities, consumers, and the 16 million Americans whose jobs depend on agriculture. Chairwoman STABENOW was on the floor earlier this week to point out the fact that is has been 80 days since the Farm Bill expired. That is 80 days that our farm families and small businesses have been waiting and holding their breath. This is artificially generating untold uncertainty that is costing farmers, consumers and our entire economy in very real and highly unpredictable ways. This not only is unprecedented, it is legislative malpractice. It threatens great harm to the Nation and the American people. And it is wrong. Yet the Nation, including Vermont dairy farmers, incredibly enough are now on the verge of plunging over the dairy cliff.

By failing to even consider a Farm Bill, the House leadership has driven us straight to the edge of this dairy cliff and now is refusing to turn the wheel or put a foot on the brake. This is a pointless and dangerous game of chicken, dragging all Americans along for the ride.

On January 1—a mere 11 days from now—the final shoe will drop when the U.S. Department of Agriculture will be required to implement what is known as ''permanent law'' for our Nation's dairy industry. The Secretary of Agriculture and his staff have been—quite literally—dusting off old paper files and mimeographed notes from the 1940s and 50s to review the Agricultural Act of 1949. Without a new Farm Bill, on January 1 the Nation will be forced to revert to the parity pricing that was part of that long-ago law that was passed a few short years after the end of World War II.

The House's inaction on its own version of the Farm Bill, and its obstruction of the Senate bill—a Senate bill that saves taxpayers $23 billion—will force the Secretary of Agriculture to implement a law from the middle of the last century. This archaic law will force the Federal Government to spend billions of dollars to buy and store dairy products to help raise the price of fluid milk for dairy farmers. The Secretary will have to keep spending until he is able to raise the price of fluid milk by 60 or 70 percent. This is pointless and wasteful Federal spending. And it is even worse than that. Taking those products off the market will drive up consumer prices—prices that struggling families must pay, from coast to coast, just to put food on the table—as early as next month. And that's not the end of this needless waste. The Department of Agriculture then will have to pay still more taxpayers' dollars to store all of these dairy products.

So rather than pass the Senate Farm Bill that saves $23 billion, the House is choosing to put the Secretary of Agriculture on a path to having to spend billions of dollars on dairy products, paying to store those products, and driving the price of milk through the ceiling for consumers. This is not even to mention the effects this could have on world prices and the harm it will cause for the vulnerable millions worldwide who rely on dairy products for their basic nutrition. That, in summary, is what the dairy cliff is all about.

Every 5 years for the last 60 years, Congress has passed a Farm Bill. Never before has the Farm Bill expired like this. And now on January 1 we will implement market-distorting dairy policy so old that 49 current members of the Senate—including the Chairwoman of the Senate Agriculture Committee—were not even born when it was signed into law by then-President Harry Truman.

Market chaos will erupt if we do not divert from this disastrous, reckless, needless, man-made path. Chaos, from the fact that farmers will be pressed to increase production at this inflated price, and chaos as we see an influx of imported dairy products as processors in other countries would divert products to the U.S. It is a rollercoaster of milk prices that, in the end, will benefit no one and hurt everyone. It is the kind of rollercoaster of dairy prices that the reforms we included in the Farm Bill are designed to address. As milk floods the market, the USDA will have to buy even more milk to keep up. Economists at the USDA say that implementation of permanent law for dairy would cost at least $12 to $15 billion per year. That does not include the cost of storing these dairy products. The USDA may not have enough storage space, and once USDA fills every warehouse at its storage facility in Kansas City, it will have to bring the rest to Washington and fill every closet at the Department of Agriculture's sprawling South Building with cheddar cheese and powdered milk.

The effects of these purchases will reverberate throughout the economy, and time is running out. The cascade of damage will be felt by our farmers, our food processors, our grocery stores, and by American consumers and taxpayers. It will also be felt by the 16 million Americans with jobs in agriculture. All at a time when they can least afford it.

Farmers in Vermont are very concerned that we are headed over this dairy cliff, and inaction on the Farm Bill has left the Nation's dairy farmers with no safety net, since the Milk Income Loss Contract Program expired on September 30.

The House of Representatives is not giving our farmers, and especially our dairy farmers, a fair deal. We have been sent here to do a job, and it is not asking too much that Congress pass a five year Farm Bill, and on time. We heard Senator STABENOW speaking earlier this week about the agricultural disaster programs that have expired, in a year when we have experienced record droughts, terrible freezes, and then historic damage to farms as Hurricane Sandy stormed through the Garden State.

Also at stake are eight important energy programs that have expired and programs to support America's organic farmers, specialty crop producers and beginning farmers. Close to my heart

as well are the vital international food assistance programs that serve as a core component of U.S. efforts to fight global hunger. These have expired as well.

In all, there are 37 programs that have expired, for absolutely no reason. Inaction on the Farm Bill by the House of Representatives is the perfect example of gridlock in Washington that so frustrates the American people. It threatens our economy. It threatens farmers. It harms the most vulnerable among us. And it is entirely pointless and avoidable.

For all their talk of cutting Federal spending and reducing the cost of entitlements, House leaders and the obstructive caucus to which they are catering, by blocking the Farm Bill are poised—by themselves—to increase the Federal deficit by at least $12 to $15 billion in 2013 alone. Let me say that again: these obstructionists in the House are threatening to drive up the deficit by $12 to $15 billion. While stalling and delaying work on the Farm Bill, saying they want further, draconian cuts in food assistance for the families across this land who are struggling the most, House leaders are about to drive us over this dairy cliff and exponentially increase government spending, hit consumers hard, and destroy the fragile economic gains we have made. This is not what the American people and our farmers deserve. Let's do what is right and pass the Senate Farm Bill into law—without further delay and without the political posturing.

## TRIBUTE TO MARGE VAN HOOVE

Mr. REID. Mr. President, I rise to recognize with great appreciation one of my longest-serving and loyal staffers, Marge Van Hoove. It is hard to imagine that this day would come, but she has earned a restful retirement from public service.

In January 1987, I had just been elected to serve my first term in the U.S. Senate, when Marge asked to work with me. Even before this meeting, she had been involved in my prior campaigns. Marge's 25 years of service in my Las Vegas office unlocks many wonderful memories.

Marge has always been the first to arrive and last to leave. She never missed a deadline and was always ready with her quick wit. One night, I phoned the office and asked her why she was there so late. She responded, ''Because you are calling me so late.'' Her unyielding dedication to give each task her best is exemplary.

Ms. Van Hoove was the matriarch of my Las Vegas office. She trained staffers and made sure the office ran properly. As the manager of the front desk and scheduling, she saw the process evolve from a pen and paper operation to the modern electronic process that exists today. She also made sure the office maintained the highest level of integrity and ethical standards. She would joke, ''I'm not going to the Federal prison in Lompoc for anybody.''

Despite Marge's many responsibilities, she never forgot a single assignment. No matter what task was assigned to her, she would see it through to its successful completion. Marge never had a sick day until her recent health battles. And even during that difficult time, she worked from home and always staying abreast of all office business.

Marge has a wonderful, engaging sense of humor and accompanied with a memorable laugh. She would pick out quirks among staff and with good nature poke fun at them. She also knew every member of my security detail by name and would charm them during their State visits. To her, everyone was, ''Jose'' or ''Lucille.'' She would always say, ''Ok, Jose'' or ''Here's the deal, Lucille.''

Marge was not only a leader in my office, but a woman of great faith and strength at home. She was born in Santa Fe, NM, but grew up in the San Francisco area, which explains her adoration for the San Francisco Giants and 49ers. She was married to her husband John Van Hoove for 33 years, and they raised two sons John Jr. and Steve. Marge is a proud grandmother of three grandchildren.

Marge's departure into retirement leaves behind a void, but I know that she has instilled many of her strong values and tireless work ethic into the staff she trained. Marge's country western music and cowgirl boots will be out of sight, but she will not be out of the minds of those she worked with. Landra and I will miss our forever friend, Marge, and extend to her our heartfelt love.

### REMEMBERING DANIEL K. INOUYE

Mr. SCHUMER. Mr. President, I rise today to say goodbye to my friend, Senator Daniel K. Inouye. This week in the Senate, we lost a colleague, a mentor, and a compass, and what is more our country lost one of the greatest heroes of the ''Greatest Generation''.

We are a Nation that still holds its heroes dear, and that is why it is so hard to say goodbye to Danny.

I can think of no place more fitting to say one last ''Aloha'' than at the very center of this Nation's Capitol Building as Danny rested under the Dome yesterday, which is the symbol of freedom to the entire world and the very freedom he gave so much of himself to protect.

And protect it he did. Danny stood up and fought the racial stereotypes that would have kept Japanese Americans from joining their friends and brothers in World War II. His service in France and Italy, including his heroic battle in Tuscany which earned him our highest military honor, helped fight the spread of evil and hate and religious persecution. In Congress, Danny kept a constant vigil in the service of the people of Hawaii, making sure our 50th State was as well represented as any of the original 13.

As we have gathered to honor him over the past 2 days here in Washington and will continue to gather over this weekend in Hawaii, to thank him, and to say a final farewell, we will be a Congress united. Not conservatives or liberals, Democrats or Republicans, 99 percent or 1 percent. We stand together just as Danny saw us all: as Americans.

Danny was a friend. Quick with a word of advice or encouragement, loyal to his friends and colleagues on both sides of the aisle, in Danny's passing we lost a man who could bridge any divide. We lost a man who led in his platoon, in his caucus, and in his beloved home State of Hawaii.

Danny will be missed by this body and by his friends on both sides of the aisle. But it is my hope his spirit will remain with us, and help ensure that the next generation of heroes has the same freedoms he held so dear. We will never stop fighting to protect them, Danny. Mahalo and Aloha.

## TRIBUTES TO DEPARTING SENATORS

### JOE LIEBERMAN

Mr. LEVIN. Mr. President, in a few days, the Senate will no longer benefit from the service of a member who has left an indelible mark on national security policy and on the Senate. Senator JOE LIEBERMAN has been my colleague and friend for more than two decades. We have shared triumphs and challenges, agreed and disagreed with one another, and each of us has served as a member of a committee the other chaired.

One challenge we have shared is the need to strengthen our nation's manufacturing sector, the economic backbone of our two states and indeed of the nation. Senator LIEBERMAN has served as chairman of the Senate Manufacturing Caucus, which has benefitted greatly from his energy and leadership. He has been a dedicated supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers strengthen and grow in the face of international competition. In this work, Senator LIEBERMAN has been an ally of Michigan working families.

Of course, Senator LIEBERMAN and I have worked together on the Armed Services Committee, where he has been an active, thoughtful, principled and energetic member and subcommittee chairman. Senator LIEBERMAN joined the committee in 1993, and from the start, he made an impact. He was the author of what came to be known as the Lieberman Amendment to the National Defense Authorization Act for Fiscal Year 1997, directing the Department of Defense to conduct a Quadrennial Defense Review. This review has become an integral part of our nation's defense planning, encouraging the Pentagon, Congress and all who contribute to defense strategy to confront tough questions about strategy, capabilities and resources.

Over several years as chairman or ranking member of the Airland Subcommittee, Senator LIEBERMAN has played an influential role in oversight of important modernization programs. His constant attention and leadership has helped the Army push through the challenges of acquiring and fielding the truly networked tactical force our nation needs, and of modernizing its helicopter force. He has provided close oversight of aircraft programs such as the F/A–18E and F, F–22, F–35 Joint Strike Fighter and the new KC–46 aerial refueling tanker.

Of course, the committee has grappled with a number of difficult policy questions over the last two decades, from the need to repeal ''don't ask, don't tell'' to the conduct of the wars in Afghanistan and Iraq. Senator LIEBERMAN was the original sponsor of the legislation that repealed ''don't ask, don't tell'' and he played an important role in shepherding this legislation through the Armed Services Committee and the Senate. Whether one agrees or disagrees with Senator LIEBERMAN on these issues, it's impossible to doubt his thoughtfulness and his dedication to finding the right solutions for our nation.

Senator LIEBERMAN is my chairman on the Homeland Security and Government Affairs Committee. I'm privileged to chair that committee's Permanent Subcommittee on Investigations, where a small but incredibly talented and dedicated staff has made immense contributions to consumer protections, government oversight and our defenses against financial wrongdoing. I am deeply grateful for Senator LIEBERMAN's support for our subcommittee's work.

We also have worked closely on the committee's efforts to protect Americans from potentially catastrophic releases from chemical facilities. I was a co-sponsor on legislation he authored with Senator COLLINS to address that threat, and I am thankful for his leadership in putting in place these vital protective standards. Senator LIEBERMAN's work has also included badly needed reform of the Federal Emergency Management Agency in the wake of the Hurricane Katrina disaster; improving our cybersecurity protections; and improving our defenses against disease pandemics.

The Homeland Security and Governmental Affairs Committee is also where Senator LIEBERMAN has accomplished what is likely his most lasting work: reform of our homeland security and intelligence communities in the wake of the 2001 terrorist attacks.

Reforms of this scope by necessity have many authors, but certainly Senator LIEBERMAN's role was at the forefront. His leadership was instrumental in passage of legislation creating the Department of Homeland Security, and in achieving vital reforms to the structure and practices of our intelligence agencies in the wake of the 9–11 attacks. These were sweeping, once-in-a-generation reforms, and Senator LIEBERMAN was tireless in his advocacy for them.

In these and so many other ways, Senator LIEBERMAN leaves an important and lasting legacy as he prepares to leave the Senate. He is a trustworthy confidant and I shall miss him. Barbara and I wish JOE and Hadassah every happiness as they embark on their next adventure together.

OLYMPIA SNOWE

Mr. President, it is an unfortunate reality that the number of people in Washington working for bipartisan solutions is significantly smaller than the number of people claiming to do so or proclaiming the need to do so. Nearly everyone seeks the ''bipartisan'' label; fewer wear it comfortably or practice bipartisanship regularly.

That is one reason I am sad to see OLYMPIA SNOWE leave the Senate. Over three terms, Senator SNOWE has represented the people of Maine with intelligence and, yes, moderation. Here's how Time magazine put it in 2006, in naming Senator SNOWE one of the nation's 10 best senators: ''Because of her centrist views and eagerness to get beyond partisan point scoring, Maine Republican OLYMPIA SNOWE is in the center of every policy debate in Washington.'' And I've been lucky to observe her work in those debates.

Start with her work on the Senate Small Business and Entrepreneurship Committee, where she has served both as chairman and ranking member. As a member of the committee, I have appreciated her dedicated advocacy for small business. She has worked hard to support SBA's Microloan program and programs for women owned businesses. She has helped improve SBA's trade and export finance programs; elevated the SBAs Office of International Trade and add export finance specialists to the SBA's trade and counseling programs; and established the State Export Promotion Grant Program, designed to increase the number of small businesses that export goods and services.

Senator SNOWE also has been an enthusiastic supporter of our nation's manufacturers. As a former co-chair of the Senate Task Force on Manufacturing, she has worked to strengthen programs such as the Manufacturing Extension Partnership, which helps American manufacturers research and develop new technologies, increase efficiency, improve supply chains and outinnovate our overseas competitors. American workers from Maine to Michigan and beyond are better off for her support of this vital sector of the American economy.

Beyond manufacturing, our states are linked in another way: the historical lighthouses that dot our shores. I was pleased that Senator SNOWE joined me in offering the National Lighthouse Stewardship Act, which would help local governments or nonprofit groups preserve these prized structures for the appreciation of generations to follow.

I was also fortunate to serve with her on the Armed Service Committee, where she served as Chair of the Seapower Subcommittee. She was a strong advocate for the men and women of the Navy and Marine Corps, and worked diligently to ensure that the Department of the Navy had the people and hardware the Navy needs to defend our nation's interests.

On these and other issues, Senator SNOWE has worked across party lines for the good of her constituents and our nation. But I can think of no issue that better demonstrates her ability to reach beyond partisan interest than one of the most controversial issues of our time together here: the Iraq war.

I worked with Senator SNOWE and a bipartisan group of senators who believed the status quo in Iraq was no longer acceptable and who worked together to chart a new course.

We joined together to advance our collective view that the primary purpose of United States strategy in Iraq should be to pressure the Iraqi political leadership to make the compromises necessary to end the violence in Iraq while accelerating the training of Iraqi troops to take responsibility for their own security.

We made clear that the open-ended commitment of U.S. forces to Iraq was over, thereby undermining the al Qaeda narrative that we were there as occupiers and signaling to the people and Government of Iraq that the time for political reconciliation had come.

As Senator SNOWE rightly pointed out at the time, ''The Iraq government needs to understand that our commitment is not infinite. Americans are losing patience with the failure of the leadership in Baghdad to end the sectarian violence and move toward national reconciliation.'' She continued, ''It is imperative that Congress understands the importance of placing the future of Iraq's independence in the hands of those who should want it most—the Iraqi people and their government.''

As members of the Senate Select Committee on Intelligence, Senator SNOWE and I also worked as part of the Committee's effort to investigate the misuse of pre-war Iraq intelligence by policymakers.

Senator SNOWE's support for the investigation and its findings, in the face of strong criticism from some in her own party, was important to bring transparency to the decision to go to war in Iraq and will help to ensure the American public is not similarly misled in the future.

Senator SNOWE recently took another principled stand, in what will likely be her last vote as a member of the Intelligence Committee, when she was the only Republican member to vote to adopt the Committee's report on the CIA's Detention and Interrogation Program. That report definitively shows that torture is not effective in eliciting intelligence and will hopefully significantly influence how our nation deals

with the detention and interrogation of those we capture in the future.

OLYMPIA SNOWE's service has been of enormous benefit to the people of her state. She is rightly respected in this chamber, and around this country, as a leader who has not just talked a good game when it comes to bipartisanship, but has followed words with action, often at the cost of no little political discomfort for her. To the very end of her tenure here, she has fought, as she put it just last week on this, ''to return this institution to its highest calling of governing through consensus.''

I want to thank her for the many ways in which she has supported programs important to Michigan, and for the thoughtful approach she has brought to the many challenges we have faced together. As she returns to Maine, I wish OLYMPIA and Jock every success in whatever endeavors may come. And I hope we can take to heart Senator SNOWE's wise words as we seek to answer the challenges before us.

SCOTT BROWN

Mr. President, I want to give my thanks to Senator SCOTT BROWN, who leaves the Senate at the end of this session. I have not had the privilege of working with Senator BROWN for as long as I have worked with many of the other Senators who are concluding their service here. But I am grateful for his work as a member of the Armed Services Committee, and for his support for some of the important reforms that helped put a cop back on the beat on Wall Street.

SCOTT's road to the Senate was not easy. Like all too many American children, he was the victim of abuse by those who were obligated to care for him. Senator BROWN overcame great odds to become a United States Senator—odds that had little to do with politics. He is an example of our power to achieve despite great challenges, and we can all learn from that example.

Senator BROWN was one of a handful of members who crossed party lines to support the Dodd-Frank Act, which provided vital reforms of the financial sector in order to help prevent a repeat of the financial crisis that crippled our economy. He and I disagreed on several important provisions of the act, and we disagree in many ways on how it can best be implemented. But his vote was very important to its passage.

As a servicemember for more than three decades, including a deployment to Afghanistan, Senator BROWN has brought a valuable perspective to the Armed Services Committee. He has spoken eloquently of the need to honor our Nation's solemn obligation to our troops, our veterans and our families. He has advocated for the National Guard and supported significant policy changes that are important for our servicemembers, such as supporting victims of rape or incest and repeal of ''don't ask, don't tell.'' I thank him for his contributions to the committee's important work in fulfilling its obligation to servicemembers and their families.

DANIEL AKAKA

Mr. President, now that the 112th Congress will soon be coming to a close, the Senate will be able to take a moment to acknowledge and express our appreciation to those members who will be retiring when the gavel brings an end to the current session. One member who has had a great impact on so many of us on a personal basis is DANIEL AKAKA.

DANNY, as I have come to know him, has been one of the strongest and most loyal parts of our Senate Prayer Breakfast. That regular gathering that many of us attend gives us an opportunity to come together to share our faith and discuss the difference it has made in our daily lives.

No one has played a more important role in those weekly meetings than DANNY. His faith has brought him through some very difficult situations in his life and it has also helped him to pursue policies and programs that have made a difference in more lives than we will ever know.

When DANNY was in the House he was the song leader. His understanding of the importance of music helped him to better express his faith. He led our singing of our hymns by providing us with the history of each song as he explained the meaning of the words that were used to bring its message to life. His faith also showed itself with his work on a sailing ship that helped to bring missionaries around the Pacific to share their faith with those who might otherwise have never heard such stories.

DANNY is a veteran of World War II. His experience during the war gave him an understanding of the sacrifices our veterans made during their service and the importance of ensuring that we as a nation take good care of them and address their medical needs.

That is why one of DANNY's great accomplishments here in the Senate has been his efforts on behalf of his fellow veterans. Whenever an important bill was taken up and passed, DANNY immediately got to work, trying to determine the impact each bill would have on our veterans and how any negative impacts could be addressed and reversed. Just as we owe our veterans a great debt of gratitude for their service, veterans everywhere have a special place in their hearts for everything DANNY has done over the years to protect and preserve the benefits they have earned with their service.

In addition to his great faith and his concern for our Nation's veterans, DANNY also brought to the Senate his love of Hawaii and its great culture and history. It was a gift he shared with us over the years that increased our awareness of Hawaii's past and the great traditions of his home State.

Through the years DANNY has made a reputation for himself here in the Senate as a careful, thoughtful legislator who works quietly but effectively. The good work he has done on a number of issues has had an impact that will continue to be felt for many years to come.

Thank you, DANNY, for your service both here in the Senate and in our armed forces. You can be very proud of all you have achieved. You have represented your State very well. Thank you most of all for your friendship and for sharing your faith and the impact it has had on your life. You will be missed and not just by those of us in the Senate who have enjoyed having a chance to come to know you. You have been a great friend to our Nation's veterans, too, and they will always remember your commitment to them.

SCOTT BROWN

Mr. President, now that the 112th Congress is coming to a close, the Senate will have an opportunity to acknowledge the efforts of those Senators who will be returning home at the end of this session of the Senate. One Senator I know I will miss in the days to come is Senator SCOTT BROWN.

Looking back it is hard to believe that SCOTT has only been a member of the Senate for about 3 years. He has had an impact on our day to day deliberations over those years that far outweighs the time he has been a Member of the Senate. That speaks volumes about his ability to make the best use of his resources so that he could have an impact on those issues that concern the people of his home state.

When SCOTT was elected to the Senate he became the first Republican Senator from Massachusetts to have made it here in more than 30 years. For me, that is proof of the kind of candidate SCOTT was and the effectiveness of the campaign he ran.

His success in what was a very difficult race proved that SCOTT is a natural politician. He has a remarkable ability to grasp the core of the issues before the Senate and determine their possible impact on the people back home. He understands the people back home and he knows how they think and how they feel about the issues before the Senate. Equally important, SCOTT is able to explain those issues in simple, easily understood statements that stick in the minds of the people who hear him. He has a way with words that helps to win people over.

When SCOTT came to the Senate people were not sure what to expect. Was he going to tend to follow one Party or the other exclusively? No. SCOTT took up each issue individually, measuring them all with the yardstick of his principles and his determination to be an effective representative of the people of Massachusetts who sent him to Washington. It was not going to be easy, but SCOTT proved himself to be well up to the task.

As soon as he arrived, SCOTT found himself in the thick of a number of legislative battles. He took on each issue carefully and thoughtfully which thoroughly confused all those who thought they had SCOTT all figured out. SCOTT

proved to be an independent individual who was determined to do everything he could to make a difference in Massachusetts and in Washington. He soon proved he was able to do all of that and so much more.

For 3 years, SCOTT has been an important addition to the day to day life of the Senate. I have no doubt we have not heard that last from him. He only needs to take a moment to see what he is interested in taking on in the next chapter of his life. He has a wealth of talent and ability and more importantly, he genuinely cares about the future of our Nation and all of the people who make up his home State and our Nation. There is a lot of opportunity out there for SCOTT and I know he will take full advantage of it.

Thanks, SCOTT, for your service. Thanks for working so hard to get here, and once you did, thank you for never doubting in your ability to make a difference. You have helped to make changes both here and back home in more ways than you will ever know. Thank you, too, for your friendship. For 3 years you have been a strong and powerful advocate for the future of Massachusetts and you can be very proud of all you have achieved during your time in the Senate.

JON KYL

Mr. President, it is a tradition in the Senate to take a moment at the end of the session to express our appreciation for the service of those Senators who will be retiring at the end of the year. This year it seems that we have quite a few retiring Senators who will be greatly missed because of the important role they have played in our leadership on both sides of the aisle. Such a Senator is JON KYL. I know we will miss him, his willingness to work with all of his colleagues, and his understanding of the issues and the need for us to come together to address them.

JON KYL may very well be one of the smartest individuals I have ever met. More importantly, he is not just highly intelligent, he also has an abundance of wisdom. That means he not only knows what is right—he does it! Putting knowledge into action is always the toughest part of the equation.

Here in the Senate, JON has taken on a combination of assignments that most members would have found impossible. JON not only served as our Party ''Whip'', but he also helped to direct our efforts with his great understanding of the many details that form such an important part of every issue we take up in the Senate.

JON has been such a great asset for our party because his focus is on the details of every issue that comes before the Senate. That is why, more often than not, when a complex matter is up for our consideration, many of us want to know what JON thinks and what his recommendation would be. His insights have always been an important part of many of his colleagues' consideration of what each of us should do to further the interests of the people of our home States.

One thing everyone who has spent some time with JON knows about him is his great love for NASCAR. In fact it is more than just an appreciation—I don't think there are many who understand it with the depth that he does. He not only knows the stats, but he has a great feel for how each race played out, the strategy that was employed and the significance of the results. The way he describes ''how the game is played,'' the rules, and the key players in every race is enough to get anyone interested in attending the next event. NASCAR ought to make him their ambassador. He would increase interest in it right away. He had done a lot to make me a fan, too!

Politically, JON is a staunch conservative. In fact, I am sure if you look up ''staunch conservative'' in a reference book it will refer you to their article about JON. JON's great talent makes him the perfect example of what a conservative is, and his knowledge serves to highlight the positions and issues that are important to all conservatives.

Something else that we have all come to know and appreciate about JON is the strength of his faith and his belief in the importance of the family. One of his first considerations when we took up any legislation was how will this affect our Nation's families? It was that important to him. I can not imagine a better starting point for our discussions and deliberations.

Thank you, JON, for your willingness to serve. You have made a difference in more ways than you will ever know. In the months to come, I will miss seeing you around the Capitol building. I will also miss having the benefit of your advice and counsel—though I intend to keep your number handy. What I will miss the most, however, is your friendship. Keep in touch with us. We will always appreciate hearing from you.

JIM DEMINT

Mr. President, one of our traditions here in the Senate is to take a moment as the current session of Congress draws to a close to acknowledge and express our appreciation for the service of all those members who will be leaving when the gavel brings to a close the 112th session of Congress. I know we will miss them all—especially those like JIM DEMINT who have played such an important role in the work we do every day in committee and on the floor.

I know I wasn't the only one who was surprised to learn that JIM DEMINT was leaving the Senate to become the president of the Heritage Foundation. It is a great opportunity for him, and I know he will make the most of it in the years to come. We will miss him, though, because in a short time he had become an important voice in the Senate for the issues that meant a great deal to him.

Looking back, I have no doubt that JIM learned at an early age that the law is a great teacher and by coming to Washington to help draft our laws he could help to teach people all across the Nation what it means to be a citizen. He could also help to ensure that our government responds more fully and substantively to the needs of the people of our Nation. I think that is what most interests him about the Heritage Foundation—the knowledge that it will be another opportunity and provide him with a different platform from which he can continue to have an impact on those issues that mean so very much to him.

Over the years I have come to know JIM as he has taken his place as one of a very few who have been known as the conscience of the Senate. He is an individual of strong principles and core values and he brings his sense of direction to the work of the Senate every day.

As I have watched him in action, I have seen his ability to bring our attention both carefully and forcefully to the flaws in the legislative matters we had taken up for deliberations. In everything we did, JIM would take a close look at the wording of each clause and every proposed amendment and make it clear to us the reasons why he believed something needed to be changed. Then as we began our debate, he would then present his points with greater clarity and substance as he made clear his strong opposition to or support for the issue that was before us.

His views on how the Senate functions and how we could make it more effective and more efficient are clearly presented and strongly espoused in his books. I have no doubt that JIM's books could change the Senate if we could get every one of our colleagues to read them, consider them and then put some of his ideas into practice.

Thank you, JIM, for your willingness to serve and for all you have helped us to accomplish during your time in the Senate. You have presented us with some strong, bold ideas about our future as a nation and I have no doubt they will continue to have an impact on the Senate for a long time to come. Thanks for sharing them with us.

The new adventure you will now begin with the Heritage Foundation sounds like a challenge you will fully enjoy. I know we will continue to hear from you in your new post and we are looking forward to it. You have an important viewpoint to bring to our deliberations and it would be missed if you didn't continue to make your thoughts and concerns known. We will be watching and listening for your comments and suggestions in the days to come. Good luck and keep in touch!

HERB KOHL

Mr. President, now that the 112th Congress is coming to a close, we have an opportunity to acknowledge and express our appreciation for the service of our fellow Senators who will be retiring at the end of the year. HERB KOHL, one of those who will be returning home when the gavel brings to a close the current session of Congress,

will be missed, for he has been very active and involved in the day-to-day work of the Senate for many years.

My first contact with HERB came about when I found out that he had a ranch in Wyoming. I shouldn't have been surprised. As I have had a chance to come to know him, it seemed pretty clear that he had a lot of Wyoming in him. He is a gentleman and a gentle man in every sense of those words. He says what he means and he means what he says. For him, those words aren't clichés, they are an indication of the way he lives his life.

I know I am not the only one who thought that about HERB. That is why he has a well-earned reputation for being a calm, thoughtful legislator. He has a knack for taking on a problem, giving it his full attention, and then working with members on both sides of the aisle to develop a workable solution to solve it. That is why he has been so successful on a number of issues.

HERB's ability to patiently pursue an agenda, and then focus on a solution that would receive the support necessary to pass, has been a hallmark of his service. Never one to seek out public attention for his efforts, he has been rewarded with something far more important the knowledge that he has done a good job. His commitment to the future of his home State and our Nation has made it possible for him to have an impact on several issues of great importance to people from every corner of the United States.

HERB has been such a successful legislator in part because of his small business background. He understands better than most the important role our businesses play in our local, State and national economies. He is a man of vision who put his great talents into action when he helped to take the family business to the next level. His success in that effort helped to put him on a path that made it possible for him to do some things that a lot of us only dream about.

One of those great dreams he was able to make come true was his ownership of a professional sports team, the Milwaukee Bucks. There had been some speculation that the team might be bought and moved out of Milwaukee. HERB made sure that wouldn't happen. He bought the team and kept them in Milwaukee, and the people of Wisconsin appreciated his efforts to keep the home team—at home.

None of that would have been possible if not for HERB's ability to organize his time so that he could make the best use of that precious commodity. That has been one of his greatest assets in the Senate, too. Back home, his constituents know that he is a thoughtful person who is interested in them and is always on the watch for those things he can do as their Senator to make their day-to-day lives better.

His constituents have greatly appreciated his work in Washington on their behalf, and that is why they returned him time after time so he could keep doing such a good job of representing them. HERB has compiled an important record that he should be proud of because it reflects his commitment to the future of his home State and our Nation.

BEN NELSON

Mr. President, at the end of each session of Congress, as is our tradition, we take a moment to express our appreciation and acknowledge the many contributions each retiring Senator has made to the day-to-day work of the Senate. We will miss them when the gavel brings to a close the 112th Congress—especially Senators like BEN NELSON who have made an important difference during their service.

Since he is from Nebraska, BEN is a neighbor to my home State of Wyoming and he understands more than most the inherent problems and challenges faced by rural America. The people of Wyoming, Nebraska and the West have taken on a rugged way of life and it shows itself in their independence, their unique spirit and their great love of their community and their country.

BEN's upbringing and his ties to his State of Nebraska gave him an important understanding of the issues that surround our rural way of life. He took an active role in the Senate's work on agriculture and energy issues because he understands how great a concern they are back home.

BEN learned at an early age that he could make a difference if he worked hard and dedicated himself to the people of his State. It was a plan of action he put into everything he has ever done in life.

It helped him to make a successful run for governor, after which he decided to run for the Senate. He knew it wouldn't be easy, and it wasn't, but when the votes were counted he had won an important Senate seat and was headed here to represent his beloved home State.

Soon after he began his Senate career he cast a vote to lower everyone's taxes. That took courage. In the years since then, he has shown that he has a lot of that important quality in abundance.

Since we are neighbors and share an appreciation and understanding of rural America and our unique way of life, it shouldn't come as a surprise that we have a great deal in common. We both love our great outdoors and there are places in Nebraska that are almost as beautiful as Wyoming.

We both love to hunt, and BEN has had some very interesting opportunities to pursue his hobby all over the world. My hunting has all taken place in Wyoming. Because of our love of hunting and my great affection for fishing, BEN and I co-chaired the Sportsmen's Caucus. We have also worked together on a number of issues related to the great outdoors. They are matters that mean a lot to us and to our constituents back home.

Thanks, BEN, for your service and for your determination to make the position of your constituents known here in Washington. You have made a difference in many ways and you can be very proud of your legacy of service. Thanks, too, for your friendship. I have enjoyed coming to know you. Whatever you have planned for the future, I hope you continue to enjoy the great adventure of your life.

JIM WEBB

Mr. President, as we have all learned, it doesn't always take a lifetime of service to make a difference, especially here in the Senate. JIM WEBB is one of those unique individuals who had an impact here although he only served for one term before deciding to retire. I know I will miss him and his great support for our Nation's military and his heartfelt concern for our Nation's veterans.

As I have had the opportunity to come to know JIM a little better, it is clear that he is a man of strong convictions. As we say in the West, he is someone who means what he says and says what he means. He walks his talk.

When he first arrived in Washington he made it clear he wasn't going to be someone who could be taken for granted, especially when it came to those things in which he strongly believed. He put his home State of Virginia first and he was going to work hard to ensure that the concerns of the people back home were heard—and heard clearly—whenever an issue was taken up that was going to have an impact on them.

A Vietnam veteran himself, he had a great interest in national security issues. His determination to make a difference in that area became very clear right from the start. Serving on the Veterans' Affairs Committee he worked very hard to ensure that our veterans were able to access the benefits they had earned with their service.

JIM is a good writer and he has several books to his credit. They have received a great deal of notice and one of his stories has been made into a movie.

I know I join with many of my colleagues in wishing him all the best as he returns to Virginia. I don't know what his next great adventure will be, but I do know his skills and talents will provide him with a number of opportunities to choose from in which he can continue to play an active part in his State.

Thank you, JIM, for your willingness to serve—not only here in the Senate but in our Nation's military. The recognition you earned with your efforts will continue to inspire others. Because of you our Nation's veterans have had a champion in committee and a warrior on the Senate floor who did everything you possibly could to ensure our veterans would never have to settle for anything less than the best. They have earned that and so much more with their service, their many sacrifices on our behalf and their unsurpassed love for our country.

JEFF BINGAMAN

Mr. President, at the close of each session of Congress, the Senate has traditionally taken a moment to express our appreciation for the service those who are retiring have provided to the people of their home State and our Nation. It gives us an opportunity to acknowledge the contributions that every Senator makes to the day to day operations of the Congress and the work they have been a part of as we have worked together to craft the laws that govern the Nation.

Over the years I have learned a great deal about how the Senate works and how to be an effective representative for the people of my home State from one of the best, JEFF BINGAMAN. He has compiled quite a record that he can be very proud of, and he has done it quietly, almost behind the scenes as he has shown himself to be ''a workhorse and not a showhorse.''

For those of us from the West, that is quite a compliment. In a nutshell, it means that someone is a lot more concerned with getting results than in getting the credit. It proves the old saying that you can get just about anything done if you don't care who gets the credit for it.

When I first arrived in the Senate, I had always believed in the importance of getting acquainted with how things work by taking a close look at how the people who were getting the results I was equally committed to achieving were doing it. Using that as my standard, one Senator who caught my attention quickly was JEFF BINGAMAN.

JEFF is a fellow Westerner and he knows and understands the issues that are so important to the people back home. As I watched him in action, I could quickly see why he was a success story here. He had a reputation for his ability to work with both sides of the aisle to get the results the people of his home State had sent him here to achieve. He had an understanding of the ramifications of the legislation we were working on that was second to none. Taken together, all of that had helped to make him an important ally in any legislative battle that needed to be won.

As I got to know him, I looked to him for his leadership on the issues that were on the minds of the people back home in Wyoming. He was taking the lead on a number of them as he worked to increase the awareness of our colleagues about matters like open spaces, water and the future of our energy industry.

Over the years, JEFF has been a mentor to me. I have learned a great deal from him from our work together on Western issues and from our service on the task groups we both worked on. Jeff has an ability to summarize a difficult issue simply so that it can be understood on a number of levels by those of us who come from backgrounds that are quite different from Jeff's and all our Western colleagues. He was then able to propose commonsense solutions that not only made sense to our fellow Senators, but were also able to obtain the support they needed to be considered and passed by the Senate.

That would have never been possible if not for one of JEFF's great gifts—his ability to find common ground in the midst of some sharp disagreements. He knows how to take the views of all concerned into account and then develop a plan of action taking a variety of viewpoints into consideration. Somehow he had a knack for finding a way to make it all work.

None of that should have surprised us. After all, JEFF has one credential on his resume that not everyone has the persistence and determination to acquire. JEFF was active in Boy Scouts at a young age and with a lot of hard work and determined effort, he was able to reach the rank of Eagle.

Some people might be surprised that I mention JEFF's Eagle, a great achievement that he was able to attain so many years ago. I have found that the Eagle speaks volumes about the strength of someone's character as they grew up. It proves that they were focused on more important things—like setting goals and then planning a course of action to reach them—one by one. There is no more valuable skill to have in the pursuit of a career and the development of a life than that.

During his service in the Senate, JEFF has compiled a record of which he can be very proud—as proud as the people of New Mexico are proud of him. That is why they kept sending him back to the Senate. It is also why his record of service will continue to receive the notice it deserves as the issues he has worked so hard on will have an impact on the West and the Nation for many years to come.

I don't know what JEFF's plans are for the future, but I feel certain we haven't heard the last from him. I hope he will continue to keep in touch with all of our Western delegations. I am certain we could all use a little New Mexico wisdom from time to time on the issues that come before us that are of such great concern to the West and rural communities all across the country.

Thank you, JEFF, for your service to New Mexico and to the United States. We appreciate your willingness to come to Washington to ensure the concerns of your State were heard and that they received the attention they deserve. Thanks most of all for your friendship over the years. I have learned a great deal from you and about you and I know the lessons I have learned from you about the Senate and our Committee structure will continue to make me a more effective advocate for Wyoming and the West. Whatever the next chapter of your life holds in store, I know you will give it your best—just as you have done with every other great adventure in your life.

KAY BAILEY HUTCHISON

Mr. President, now that the campaigns are over, the elections have been held, and the Senate is winding down its current session, I appreciate having this opportunity to express my great appreciation to those Senators who have had a great impact on me and our work together in the Senate. Such an individual is KAY BAILEY HUTCHISON, who has had a remarkable career as the Senator from the great State of Texas.

Senator HUTCHISON and I go back quite a way—in fact, we go back to the days before I was elected to the Senate. That was when I had just beat the odds and managed to receive the nomination of my party to the Senate. A great part of the reason for my success had to do with the support I received from my family and the enthusiasm we put into everything we did that year. It really had an impact throughout the State during the primary season. Now that the primary was over, however, the real battle was about to begin.

I knew, as soon as I was nominated, that I had a problem. I was running against a very strong candidate, a woman with a wealth of experience in politics who had already waged and won a statewide race. I had no doubts that we could still win, but I wasn't kidding myself that it would be easy, either.

Fortunately, I had a secret weapon—KAY BAILEY HUTCHISON. She agreed to come to Wyoming and campaign with me. That was a tremendous blessing because she had a natural feel for politics and she more than made up for my lack of experience in running a statewide campaign. She gave me a lot of good advice and we took it all. Then we set out on the campaign trail and that is where she really proved to be an asset.

Each stop we made Senator HUTCHISON showed that she was a natural politician. People responded to her and the way she spoke during our events. She made it clear that she was a hard worker who said what she meant and meant what she said. Her Texas style played well in Wyoming and it really made a difference for me.

Then, when I came to Washington to begin my work in the Senate, I watched her take on some pretty difficult issues. She had a talent for seeing the best solutions to those complicated problems and that helped her to make a difference in her home State and here in Washington.

What most impressed me was her ability to see a problem as it was developing and then formulate a strategy to deal with it before it became any more difficult. She was very focused on the needs of her home State and what she could do here in the Senate to make sure that the issues of most concern to the people of Texas were addressed.

Back home, Senator HUTCHISON has always been concerned about our young people and what she could do to ensure they realize they can be anything they want to be if they are willing to work hard to succeed. That is why the young women of Texas look up

to her and see her as a model of what they can also hope to someday achieve. That led her to publish a collection of stories about successful women. Senator HUTCHISON knows that a good biography is more than a source of inspiration, it is a very specific ''how to'' manual that young women all across the country can look to for inspiration, guidance and direction on how they can hope to achieve the same kind of success in their own lives.

Senator HUTCHISON has a remarkable family and I know that she is very proud of them. Not too long ago, she and her husband decided to adopt a child. They wound up adopting not one, but two children who are blessed to have two such special parents. It's just another example of the way Senator HUTCHISON has been reaching out to help those who need her in so many ways over the years.

Senator HUTCHISON has blazed a trail in so many ways during her career in public service. She was the first woman ever elected to the Senate from Texas, and during her service she has helped young women all across her home State of Texas to realize that there are no limits to their future. They can be anything they want to be if they are willing to do whatever it takes to succeed, just as Senator HUTCHISON has done. She is not just a role model, she is an example of what is possible for everyone to achieve.

KENT CONRAD

Mr. ENZI. Mr. President, as the work of the Senate for the current session of Congress begins to wind down, it is good to take a moment to acknowledge and express our appreciation to our friends and colleagues who will be retiring when the final gavel brings to a close the 112th Session of Congress. One friend I know I will miss in the months to come is KENT CONRAD.

KENT is a hard worker, a Senator who is fully focused on the needs of his home State and the work that needs to be done to address the issues of concern to his constituents. He is a Senator who will always be known as a serious and thoughtful legislator who has a good sense of how today's problems will affect tomorrow's bottom line if we don't act now to bring our economic policies under control.

Throughout his career, KENT has never been one to look for the most popular way of doing things. He was more concerned with finding the most productive way of doing things. He knows that what looks like a good idea in the short term doesn't always lead to producing the kind of long term results we must have if we are to strengthen our economy and put the Nation back to work. He has a great sense of what needs to be done now to ensure our children and grandchildren will have the same advantages that we had. That means never putting off until tomorrow what we ought to be doing today to ensure those issues are addressed. In fact, when Kent announced his decision to retire he made mention of that fact and how his time would be better spent working instead of campaigning.

KENT has been a part of the Senate for four terms—and I am on my third. Over the years I have enjoyed having a chance to come to know him and his wife. They are a very special couple and they are equally committed to each other and to the future of our Nation. Their shared determination to make this a better country for all of us has helped to make them a team that has left their mark on the Nation's capital.

I have had a chance to travel with them both and Diana and I have enjoyed the time we spent together. KENT has a tremendous sense of humor and he has a very interesting outlook on the world. He knows more about the legislation we take up on the Senate Floor than almost anyone else and his understanding of how our bills are written and the impact they will have on our future and our children's future make him someone you would want to be on your side when the battles begin to rage in Committee or on the Floor.

KENT is pretty easy to work with and I have enjoyed the opportunities we have had to tackle some pretty difficult issues together. That sense of humor of his has helped him out on a number of occasions when the going got tough. I know, because I have seen him in action as we worked together on several bills. I also co-chaired a Caucus with him.

As the Chairman of the Budget Committee, KENT has really revealed his leadership abilities. The Budget Committee provided him with a platform that made it possible for him to speak out on issues that were of great interest and concern to him. He has been a very effective Chairman and he has left a legacy of hard work and positive results that will provide all those who follow him with a good road map to follow that has already proven to be effective.

The main thing I think I will always remember about KENT, however, is the way he prepares for his presentations. I don't think there has ever been, nor will there ever be a Senator who is always so well prepared.

KENT and I both appreciate the power of a well designed chart or graph. If you really want me to understand how the policy or program you are offering will affect my home State of Wyoming and the Nation as a whole, show me the data in pictures not words. KENT makes a regular habit of doing that, and he does it better than just about anyone else.

I know that we will be hearing more from KENT in the months to come. I don't think he views his retirement as an opportunity to stop working, I think he sees it as a chance to take on something new, some great and challenging new adventure in his life. I don't know what he has planned, but I am looking forward to seeing him take it on day by day.

KENT has been a friend to so many of us over the years and I know he will be missed. We appreciate his service, we thank him for the way he handled the gavel in his Committee, but most of all we thank him for his friendship, for his love of the Senate and his determination to make the country a better place for us all—both current and future generations. KENT has been an effective Senator for his home State and in so many ways he has succeeded in helping to make North Dakota and our Nation a better place to live.

RICHARD LUGAR

Mr. ENZI. Mr. President, at the end of each Congress the Senate has a custom of taking a moment to express our appreciation to those members who will be returning home when the gavel brings the current session to a close. This tradition provides us with an opportunity to acknowledge each Senator's efforts and take note of the difference they have made both back home and here in Washington, DC.

One Senator I know I will miss in the months to come is Senator RICHARD LUGAR. He has had a great influence on my service here in the Senate. During his six terms of service in the Senate, I know I'm not the only one who learned a great deal from him about how to be the kind of legislator that gets results.

I was fortunate to have had someone like Senator LUGAR reach out to serve as a mentor to me. When I first arrived, my experience in the Wyoming State Legislature had taught me to enter the legislative battles slowly, taking the time to learn from the seasoned veterans how to be an effective advocate for my home State and the people back home. Senator LUGAR proved to be a good choice for me to observe as I tried to pick up on his way of doing things on the floor and in his Committee.

I soon learned that Senator LUGAR had a style all his own. His demeanor of being quiet and calm in his dealings with other members and the thoughtful presentations he made on the Senate floor made it clear that he always had a strategy in mind as we took up those issues that meant a great deal to him.

I shouldn't have been surprised he had such a good understanding of the right way to do things here. It's an indication of one of his great achievements—he's a fellow Eagle Scout. That great training he received in his younger days never left him. His years in the Boy Scouts prepared him for the challenges he had taken on over the years and it taught him the importance of teamwork—bipartisan teamwork—in taking on the issues that were of such great concern to the people of his State. His experience with the Scouts taught him a great deal about life and the importance of holding on to the principles and values that helped to make him a leader back home and here in the Senate.

Another aspect of our lives that we have in common is our service as

mayor. There are few jobs quite as difficult as that and I have a great deal of respect for anyone who takes on that challenge.

I served as mayor of Gillette, Wyoming during a difficult time in its history. Senator LUGAR served as mayor of Indianapolis. He brought quite a few good proposals with him and that helped to make it possible for him to do some pretty remarkable things. One accomplishment that stands out was his consolidation of the city and the surrounding county. That helped to make the government work better for the people of the area. His proposals received a great deal of attention and that got his administration noticed. It soon led him to bring his unique brand of leadership to the National League of Cities, where he served as its president.

After such a string of successes, it was only natural that he then bring his vision for the future of our Nation to the United States Senate. For six terms he has been a strong voice for the people of his home State on a long list of issues that were of great concern to them. He has been a leader in both the areas of foreign affairs and agriculture. He has been a great friend of rural America as he has worked to ensure that the programs and policies that work so well in urban areas also benefit rural States and communities like those in his home State and mine. He has compiled a legacy during his service in the Senate that should make him very proud.

Now Senator LUGAR will be returning to his beloved home State. Those are his roots and it represents the kind of experiences that helped to form him over the years. It was a life that made him what he is today—strong, independent and committed to doing what is right.

Now that this chapter of Senator LUGAR's life has come to a close, another will soon begin. That is just as it should be for we will miss his leadership on a long list of issues. I hope we continue to hear from him with his thoughtful ideas on the direction we need to follow to turn our economy around.

I know I join with our colleagues in thanking Senator LUGAR for his service, for the leadership he has provided on more issues than I could ever list in this short reflection on his many years in the Senate, and most of all, for his friendship. That was a great gift that meant a great deal to us all.

OLYMPIA SNOWE

Mr. ENZI. Mr. President, it has long been a Senate tradition to take a moment as the current session of Congress draws to a close to express our appreciation and acknowledge the many contributions each retiring Senator has made to our legislative deliberations both on the Floor and in committee. We will miss them when the gavel brings to a close the 112th Congress—especially senators like OLYMPIA SNOWE who have made an important difference during their service.

With OLYMPIA's retirement Maine has lost a very powerful and effective legislator and our Nation's small business community has lost the support of a great champion. Throughout her service in the Senate OLYMPIA has shown her great understanding of our economy and her commitment to keeping our small businesses strong and vibrant. She knows that our small businesses are truly the backbone of our economies—on the local, State and national level and everything we can do to keep them going strong will have the greatest impact on our efforts to keep our American dream alive and available to the people of our great Nation.

OLYMPIA has very strong roots in Maine and she has an in depth understanding of the priorities of the people of her home State and what they expect her to work on here in Washington. That is why she has a well deserved reputation for being a thoughtful and careful legislator, one who looks closely at all the details of a bill before making her decision, based on its merits.

I don't think I've ever met a Senator who was a more avid reader than OLYMPIA. Whenever the Senate takes up an issue, she is always looking for more materials to read that will help her develop creative and innovative solutions to our Nation's problems.

Then, when the matter comes up for our review in Committee or on the floor, she has at the ready several articles that will drive home and anchor the point she is making. No one is better at researching an issue than OLYMPIA and then, when the matter is up for debate, making it clear what she believes to be the best way to tackle the problem. No matter the topic, it's always a plus to have her on your side.

In the years to come, I will always remember OLYMPIA's dedication and firm resolve to get things done. As we worked together on several issues, it was clear she had a wealth of knowledge about how each provision of a bill would play out. She brought some very good ideas to the process and her input helped to make each bill better.

OLYMPIA had always been known as a powerful and effective speaker. Someone with the ability to not only present her position with clarity and precision, but who could also persuade others to her point of view with her common sense approach to problem solving. Those skills and so many more helped her to make a difference throughout her home State of Maine during her career in public service. In the end, that is why she was so successful in the politics of her home State. The people of Maine know OLYMPIA and they appreciate her efforts on their behalf. Over the years OLYMPIA has compiled a record of success of which she can truly be proud.

I know I join with the people of Maine in telling OLYMPIA how much we appreciate her willingness to serve. She could have followed so many different career paths, but she was determined to make Maine a better place for our children and our grandchildren. Thanks, too, for her friendship and her support on the issues on which we worked together. OLYMPIA is an individual of great strength and firm convictions and will be missed in the months to come.

I don't know what the Senator has planned for the next great adventure in her life, but whatever it is I am certain we haven't heard the last from her. We will always be pleased to hear her thoughts about the issues we have before us here in the Senate.

## REMEMBERING WARREN B. RUDMAN

Ms. SNOWE. Mr. President, I rise today in remembrance of an extraordinary man, an exceptional public servant, and a dear friend, Senator Warren B. Rudman. As the U.S. Senate, the people of New Hampshire, and the entire Nation mourn his loss, I wish to add my voice to the chorus of tributes that continue to reverberate from every corner of the country in commemoration of a man whose contributions to our Nation and our world are as numerous as they are invaluable. I also want to express my heartfelt condolences to his wife Margaret his daughters, Laura and Debra, and his entire family at this most difficult of times.

With a Senate that is profoundly dysfunctional and in an era when bipartisanship and compromise are both seemingly lost arts, we recall with tremendous admiration the intelligence and exemplary judgment of a distinguished and iconic legislator whose paramount purpose was to rise above and beyond the din of partisanship to effectively serve the citizens of New Hampshire and the people of our great Nation.

The child of immigrants, Warren grew up in his beloved Granite State. And from an early age, he was instilled with New England's hallmark sense of independence and frugality and its spirit of grit and tenacity qualities which he first brought to bear during his heroic service as combat platoon leader and company commander in the Korean war, rightfully earning him the Bronze Star.

Returning from the horrors of war, Warren emerged with a renewed commitment to duty and service, this time in the public sphere, where he applied himself to delivering justice for the people of New Hampshire as their attorney general. His colleagues would later recall that he was one of the finest public servants to ever grace that office and that all who followed aspired to the example he established.

Mr. President, I stand here today to declare, like so many of my colleagues have, that those sentiments ring true for Warren's service in the U.S. Senate as well. Indeed, he was an exemplary

and consummate public servant, thoroughly understanding that the very essence of good governance was problem-solving and that as an elected official he was entrusted with a responsibility to work across the aisle to accomplish the business of the Nation.

In fact, all one has to do is look to his signature piece of legislation, the Gramm-Rudman-Hollings Balanced Budget Act, to witness that fact. This bipartisan piece of legislation brought under control the Nation's ballooning deficits and directly contributed to the economic prosperity and growth that is so fondly associated with the 1990s. In that light, we can look to Warren with grateful eyes because in bringing to bear his credibility, his intellect, and his experience, he pursued a course that was not necessarily expedient but that was ultimately right. A longtime fiscal visionary, he was a leader whose voice we should heed today.

But that spirit of integrity, decency, and honor was a mainstay of Warren's character, and those principles were ingrained into the unwavering set of beliefs which remained with him throughout his lifetime. They guided him during the Keating 5 investigation, informed him during the Iran-Contra deliberations, and inspired him in seeing through the Supreme Court nomination of his good friend from New Hampshire and exceptional jurist, Supreme Court Justice David Souter. Indeed, they were the ever-present and indispensable tenets that both firmly grounded him in his Granite State roots while also spurring him to the legislative heights that became the capstones of his landmark tenure in public service.

That is why I will forever admire Warren's passionate, unvarnished, and classic straightforward approach, which helped build consensus throughout his time in the U.S. Senate and which served the country so well. While I missed serving with him in the Senate by 1 year, I had the privilege of working with him on bicameral basis as a Member of the U.S. House of Representative, and during that time and through those experiences, my husband Jock and I were fortunate enough to become friends with Warren. In fact, he had a tremendous affection for Maine, owning a home on beautiful Bailey Island and while we know his heart forever belongs to New Hampshire, we are still proud to consider him an honorary Mainer.

Undoubtedly, though, Warren was a man ahead of his time. From championing the watershed legislation which reduced our deficit, to helping found the bipartisan Concord Coalition, which offers serious solutions for our Nation's significant fiscal challenges, Warren's is a legacy that Jock and I are proud to carry forward by serving on the board of advisors at University of New Hampshire's Warren B. Rudman Center for Justice, Leadership, and Public Policy. And as students across the country continue to learn about Senator Rudman, we take great pride in knowing that history will remember him as a statesman of the highest caliber who served America and his beloved New Hampshire with unsurpassed distinction.

## PROTECT OUR KIDS ACT OF 2012

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, more than 1,500 of those children lose their lives most under the age of four. Many of these deaths are preventable and we must fight for those who are too young to defend and speak for themselves.

The United States currently does not have a comprehensive strategy to address child abuse fatalities, or a national standard for classification and reporting of those deaths. This leaves many child abuse fatalities to be underreported, which becomes an additional hindrance in addressing the root causes.

I am pleased to work with Senate Finance Committee Chairman BAUCUS, Senator COLLINS, and a number of advocacy and child welfare experts to introduce the Protect Our Kids Act of 2012. This legislation will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

The commission will be comprised of a variety of professionals with diverse experience and perspectives. They will be charged with developing a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. It will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are a national crisis that requires a collective solution. Once the commission completes their work any relevant agency will report to Congress regarding their response to the commission recommendations.

The loss of just one child to abuse is one child too many. I appreciate the work of a number of organizations that have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths, whose members include the National Association of Social Workers, NASW; the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA; Every Child Matters Education Fund, ECMEF; and the National District Attorney's Association (NDAA).

I look forward to our continued progress in developing a more effective approach to improving child welfare. I thank Chairman BAUCUS and Senator COLLINS for their leadership on this important issue and I ask all of my colleagues to support this important bipartisan legislation.

## COAST GUARD AND MARITIME TRANSPORTATION ACT

Mr. VITTER. Mr. President, I rise in support of H.R. 2838, Coast Guard and Maritime Transportation Act of 2012, which we sent to the President late last week. This important bill provides authorization for all of the programs and missions of the United States Coast Guard, along with provisions important to the maritime industry.

One important provision in the bill addresses the tonnage situation of the vessel Aqueos Acadian. The system of tonnage measurement, though arcane and complicated, is vital to the operation and economics of any vessel. In the case of the Aqueos Acadian, its original configuration in 1973 was certified in Coast Guard documentation to be 274 gross registered tons, GRT, which is the official domestic tonnage measurement. Later, the vessel had an addition of a closed-in shelter deck, which increased its domestic tonnage, as well as its international tonnage, which is measured differently than domestic tonnage under the International Tonnage Convention, ITC, rules. Later still, the modifications that increased the tonnage measurements were removed, and the vessel's official documents were issued by the Coast Guard and ABS to reflect that its GRT had been reduced to 275, almost exactly the original tonnage.

Vessels with greater than 300 GRT have safety and manning requirements much more complicated than vessels at or below 300 GRT. At the time of the certification of the down-sizing modifications, the ITC tonnage was not reduced because the Coast Guard's ability to reduce international tonnage administratively is either extremely arcane or non-existent—even if the vessel's tonnage has in fact been reduced.

When Aqueos Corporation in Louisiana purchased the vessel, its official documents reflected that the GRT had been reduced to below 300 GRT. Relying on those Coast Guard and ABS issued documents, the company sought Coast Guard administrative help to reduce the international tonnage commensurate with the GRT. The Coast Guard bill includes language that allows the company to keep operating the vessel under its current documentation and allows time to complete the tonnage-reducing modifications that were not done by the previous owners of the vessel but that the Coast Guard has said must be done. Unfortunately, the ITC tonnage reduction remains incomplete. The provision does not restore the vessel's ITC tonnage to that of the GRT. This second step would afford to the vessel the same result that other vessels in the Aqueos Acadian's class have, through a previous legislative grandfather provision, that allows those vessels' GRT and ITC tonnage to be the same. This second step would not give the vessel a competitive advantage relative to other vessels in the Acadian's class; rather, without it the company is at a competitive disadvantage with those other

vessels. As time goes by, the vessel is losing out on potentially millions of dollars of domestic and international work.

It is not yet clear whether such an administrative solution can be achieved. I understand the concern addressed by the ITC about vessels having substantially changed size, and I agree that a larger vessel should be regulated at a larger tonnage. Unfortunately, the way that the ITC addresses this situation is to forever assign a vessel a higher tonnage even if tonnage has been actually reduced. This vessel should be recognized to its lower tonnage and should not be forced into a regime that does not recognize its circumstance. I believe we should seek additional legislative language that would correct the international tonnage problem, but in the interim I look forward to continuing to work with the Coast Guard and encourage the agency to develop an administrative solution to this situation.

## PASSAGE OF THE RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT

Mr. RISCH. Mr. President, I rise today to recognize Congress for passing an important piece of legislation—the Sergei Magnitsky Rule of Law and Accountability Act incorporated into the Russia and Moldova Jackson-Vanik Repeal Act of 2012. As a member of the Foreign Relations Committee, I must note it is one of the most important pieces of foreign policy legislation dealing with human rights we have taken up in recent years. In particular, I want to commend my colleague, Senator CARDIN, for his work on the Magnitsky Act. Bringing Russia into the World Trade Organization, WTO, is a good thing. The WTO is a rules-based organization that will create a level playing field for U.S. companies that want to export their products to Russia.

As committed as we are to strengthening trade links between the United States and Russia, we must be even more dedicated to promoting the rule of law and protecting the brave Russian individuals and organizations fighting for democracy and human rights. This is why the Magnitsky Act is so important. In the year following Mr. Putin's return to the Presidency, he has built on his repressive record by instituting laws that crack down on freedom of expression, assembly, and association. A new law makes it easier for the state to accuse a person of treason and members of a female rock band have been jailed for criticizing Mr. Putin. These measures are designed to strike back at a rapidly increasing segment of Russian society demanding an end to corruption, oppression, and calling for genuine democratic governance, human rights, and the rule of law.

The Sergei Magnitsky Rule of Law and Accountability Act is named after a man who witnessed the deep-seated rot that is a major part of Russia's governance today and decided to expose it to the public. For those who might be unfamiliar with the case, Mr. Magnitsky was an accountant with Hermitage Capitol Management, which had publicly disclosed several instances of alleged Russian Government and corporate corruption related to state-run industries. The company's founder, Bill Browder, was expelled from Russia by government bureaucrats who viewed him as a threat. In 2007, Russian authorities raided Hermitage's offices and subsequently accused the firm of tax evasion and owing hundreds of millions of dollars in back taxes. Mr. Magnitsky investigated these charges and discovered that it was the police who had provided seized tax records to Russian criminal elements who then falsified documents and received a $230 million rebate from the Russian treasury—the largest in Russian history.

What is shocking is that when Mr. Magnitsky went to the Russian Government with the evidence he uncovered in 2008, he was the one arrested and jailed. He was held 11 months without trial, became sick, and was denied medical treatment and visits by his family. Mr. Magnitsky was held in horrible conditions. According to his diary, Russian authorities reputedly pressured him to recant his accusations and instead accuse Hermitage of financial crimes. On November 16, 2009, Mr. Magnitsky died in Russian custody. According to the head of the Moscow Helsinki Group, Ludmila Alekseeva, Magnitsky had died from beatings and torture carried out by several officers of Russia's Ministry of Interior. Some people also point to the deliberate denial of medical care for his illnesses as a contributing factor to his death. In standing up for truth, justice, and the rule of law, Mr. Magnitsky gave the Russian people his life. To date, not one senior government official has been held responsible for his death. Instead, in a gesture of mockery, last February the Russian police resubmitted a criminal case against Mr. Magnitsky, making him the first Russian citizen to be tried after his death.

The Magnitsky Act takes a measured and targeted approach to identifying and dealing with those who are responsible for egregious human rights and antidemocratic activities throughout Russia. This bill allows the Secretary of State to identify and compile a list of people responsible for the death of Magnitsky, engaged in its coverup, or having financially benefited from his death. The bill offers significant sanctions on those identified by the State Department. They are to be denied visas to the United States, have any assets in U.S. jurisdiction frozen, and prevented from using the U.S. banking system.

For the record, as a cosponsor of this bill, I want to be absolutely crystal clear on one particular point. While the death of Mr. Magnitsky is tragic, this bill is not reserved just for those complicit in his death. This legislation not only applies to those involved in the death of Mr. Magnitsky, but it also applies to those involved in, as the bill states, ''extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activity carried out by officials of the Government of the Russian Federation; or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly and the rights to a fair trial and democratic elections, anywhere in the world.'' Further, anyone assisting those involved in the abuses described in the legislation can, and should, be targeted.

During Senate debate my colleagues, Senator MCCAIN and Senator WICKER, spoke eloquently about the ability to hold human rights abusers accountable and in particular cited the cases of Mikhail Khodorkovsky and Planton Lebedev—other recognized political prisoners. To quote my friend from Arizona discussing the situation in Russia today:

> This culture of impunity in Russia has been growing worse and worse over many years. It has been deepened by the increased surveillance and harassment of members of opposition and civil society groups . . . by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes in Russia today . . . and of course, by the continued detention of numerous political prisoners, not least Mikhail Khodorkovsky and his associate Platon Lebedev, who remain locked away but not forgotten.

The cases of Mr. Khodorkovsky and Mr. Lebedev, both jailed because of Mr. Putin's sanctioned theft and destruction of the oil company, Yukos Oil, headed by Mr. Khodorkovsky, falls squarely within the parameters of this legislation.

Mr. Khodorkovsky, a businessman, was falsely accused of tax evasion and jailed in 2003 after engaging in politics and forcing a discussion of corruption in Russia. His close friend and business partner, Planton Lebedev, was also jailed as part of the theft of Yukos Oil. Both are widely considered political prisoners—in 2011 Amnesty International declared them political prisoners—and there have been numerous House and Senate resolutions that have highlighted Mr. Khodorkovsky's and Mr. Lebedev's cases.

But they are not the only ones. Mr. Khodorkovsky and Mr. Lebedev remain jailed but at least are still alive. One of the most horrific stories in the entire Yukos affair is the case of Vasily Alexanyan. While the Kremlin's dismantling of Yukos was well underway after Mr. Khodorkovsky's arrest in 2003, Mr. Alexanyan, a Harvard Law School graduate and former Yukos general counsel, stepped up in March 2006 to assume the position of executive vice president of Yukos. At the time

the company was being forced through a state-orchestrated bankruptcy process. Alexanyan's attempts to protect the company's rights in this process ran up against the hostility of government authorities. Mr. Alexanyan was jailed on April 6, 2006. He was held in horrible conditions during his pretrial detention in a freezing cell and subjected to torture. The authorities knew he had HIV and a compromised immune system. They attempted to make him give testimony against Mr. Khodorkovsky and Mr. Lebedev and others at Yukos in exchange for better treatment and medicine. He refused. The European Court of Human Rights repeatedly issued interim measures to the Russian authorities requesting medical care be provided to Alexanyan. The authorities did not comply, leaving Alexanyan without antiretroviral treatment for almost 2 years. Because of this state-sponsored torture, he died when he was just 39 years old.

More than 50 criminal cases against Yukos executives, employees, and others associated with Khodorkovsky or Yukos have been filed by Russian authorities. The strategy of Russian investigators has involved investigating or prosecuting business partners, juniors, or even bystanders to obtain statements or court rulings that would produce ''evidence'' and establish the ''facts'' they needed for their trumped up charges against Mr. Khodorkovsky and others connected with Yukos.

There is no question the continuing incarceration of Mr. Khodorkovsky and Mr. Lebedev is a human rights abuse. The European Court for Human Rights ruled that violations of Mr. Khodorkovsky's fundamental human rights did occur in connection with his arrest and detention between 2003 and 2005—including degrading prison conditions, inhuman and degrading conditions in the courtroom throughout his first trial, detention unjustified by compelling reasons outweighing the presumption of liberty, and unfair hearings reviewing his detention. The court has raised similar concerns with Mr. Lebedev.

Other cases are also clear cut, such as Anna Politkovskaya, the renowned journalist and Kremlin critic, who was shot dead while entering her apartment building on October 7, 2006. Ms. Politkovskaya rose to prominence for her in-depth coverage of the war in Chechnya, exposing incidents of state-sponsored torture, mass executions, kidnappings, and war crimes. Four individuals initially accused of killing Ms. Politkovskaya were found not guilty, and no light has been shed on the true architect of her murder. Her case would be captured by this legislation if those responsible can be identified.

Let's not forget that we are demanding Russia abide by the international agreements that it has ratified and live up to the expectations of the organizations it has joined. The Russian Federation is a member of the United Nations, the Organization for Security and Co-operation in Europe, and the Council of Europe. It is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the UN Convention against Corruption, and the European Convention on Human Rights.

This legislation is narrowly targeted to hold accountable specific persons for the most heinous of crimes and represents a core U.S. foreign policy value. It is also consistent with targeted sanctions the United States has imposed on other countries with major human rights concerns.

This also strengthens the President's National Security Strategy announced last May, PSD–10, by ''closing gaps'' in our legal system so our country does not inadvertently become a haven for human rights violators. He enumerated grounds for denying admission to the United States, and this legislation complements his initiative by providing a statutory, legal guidelines for the administration.

This bill enjoys enormous bipartisan and bicameral support with a 365 to 43 vote in the House of Representatives and 92 votes in the Senate. In short, there is consensus for this bill and an understanding of the types of cases that fall within the Magnitsky Act's parameters. In Russia, the Magnitsky Act will serve as a deterrent to those engaged in oppression and provide a shield to millions of Russian activists determined to secure greater human rights and establish the rule of law. This bill gives hope to Russian civil society and to echo my friend from Arizona's eloquent comment to Mr. Khodorkovsky and Mr. Lebedev that ''they are not forgotten.'' Those in Russia who are oppressed, intimidated, or suffering because they are seeking democracy, truth and justice should know they are not forgotten and your spirit and determination inspire us.

The fact that certain Russian Government officials have lashed out against this law speaks to the powerful tool it can be in support of democracy and human rights in Russia. It is not enough to pass this law—the United States must now publically hold those accountable for persecuting Mr. Khodorkovsky, Mr. Lebedev, and so many others in Russia. I look forward to working with my colleagues and the administration to do so.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT

Mr. CARPER. Mr. President, this week, the Senate passed the Improper Payments Elimination and Recovery Improvement Act of 2012, The IPERA Improvement Act or H.R. 4053. Earlier this month, the House passed the same legislation, which builds on the Improper Payments Elimination and Recovery Act of 2010 (IPERA) by taking additional steps to identify and prevent improper payments by Federal agencies. I look forward to seeing the President sign into law this important, bipartisan legislation.

The Improper Payments Elimination and Recovery Improvement Act of 2012 goes beyond IPERA's goals for curbing agencies' improper payments with three main concepts, including provisions that: expand requirements and strengthen estimates for agencies' improper payments; mandate the establishment of a government-wide ''Do Not Pay'' program; and prevent payments to deceased individuals. As my colleagues know, improper payments are payments made in error, such as payments made to the wrong person or in the wrong amount. These kinds of preventable mistake unfortunately result in billions of lost taxpayer dollars every year.

Although we have made great strides in curbing improper payments in the past year, we still have a ways to go to improve transparency and make agencies and agency leadership more accountable for better protecting the taxpayer dollars we entrust to them. At a time of record deficits, we need to be getting the most out of every dollar and cannot afford to waste more than a hundred billion annually. I will continue to work with my colleagues in Congress and the Administration to see that these measures are enacted, and properly and efficiently implemented.

The bipartisan legislation requires several important steps to curb Federal Government waste and fraud.

First, the bill requires agencies to strengthen the estimation of improper payments. The legislation requires improved and more consistent reporting of improper payment estimates by Federal agencies, based on recommendations from the Department of Defense inspector general and the Government Accountability Office. The legislation, for example, would prevent agencies from relying only on voluntary disclosure of improper payments by contractors, as well as require agencies to produce documentation to prove a payment was correct.

Second, the bill mandates the establishment of a government wide ''Do Not Pay'' program. Too often, Federal agencies make improper payments to individuals that could easily be identified as ineligible if payments were more routinely screened against Federal databases. Unfortunately, Federal agencies are not doing this basic eligibility screening before payments are made. Through the initiative, before an agency could award a contract or grant, the agency would have to cross check against the ''Do Not Pay'' database, which will include a central comprehensive database of individuals, contractors, and others who may be ineligible to receive Federal funds, such as companies that are no longer allowed to do work with the Federal Government because of a fraud conviction or similar reason.

The administration is currently establishing a ''Do Not Pay '' program based on the White House executive memorandum, Memorandum on Enhancing Payment Accuracy Through a ''Do Not Pay List.'' However, there was no statutory mandate to proceed. The legislation establishes the ''Do Not Pay'' program in law throughout the Federal Government under a specific timetable.

Third, the legislation targets death fraud and improper payments to deceased individuals. Improper payments include those made to individuals who are deceased, and should therefore no longer be eligible under program rules, yet still receive payments. For example, the Office of Personnel Management Inspector General reported that $601 million in improper payments were made to Federal retirees found to have already died. However, such payments to dead people were not unique to this one program. Improving the collection and use by Federal agencies of data on deceased beneficiaries will help curb hundreds of millions, if not billions of dollars, in improper payments. The IPERA Improvement Act requires that the Office of Management and Budget, in consultation with other agencies and stakeholders, determine a plan for curbing improper payments to deceased individuals.

Finally, the legislation requires that the Office of Management and Budget report to Congress on the current efforts by agencies to recover improper payments, including a listing of agencies that employ outside contractors for recovery efforts, and their current levels and targets for recoveries. This reporting can easily be done as part of the annual report on improper payments currently conducted by the OMB.

I believe passage of the Improper Payments Elimination and Recovery Improvement Act of 2012 represents an important step toward curbing waste and fraud within the Federal Government. I look forward to working with the administration and Federal agencies to implement the legislation's provisions. I also look forward to working with my congressional colleagues on additional steps during the next legislative session.

## CONGRATULATING OLIVIA CULPO, MISS UNIVERSE

Mr. WHITEHOUSE. Mr. President, I am pleased to offer my sincere congratulations to Olivia Culpo, a native of Cranston, RI, on being crowned Miss Universe. After being crowned Miss Rhode Island USA in her first ever pageant competition last year, Olivia's rise to Miss Universe has been nothing short of meteoric. In quick succession she became the first Rhode Islander to ever win the Miss USA competition, and is now the first Miss USA to win the Miss Universe pageant in over a decade. She has made the people of our State very proud.

The Miss Universe title is an acknowledgement of Olivia's exceptional intelligence, talent, and compassion. She was recognized by the National Honor Society for her academic excellence at Rhode Island's St. Mary's Academy Bay View. She currently attends Boston University in neighboring Massachusetts, where she has made the dean's list every semester.

In addition to excelling in her studies, Olivia is a talented and dedicated musician. From a young age, her love for music was cultivated by her proud parents, Peter and Susan Culpo, themselves musicians. She took cello lessons from second grade on, and has since performed with the Rhode Island Philharmonic Youth Orchestra, Rhode Island Philharmonic Chamber Ensemble, Bay View Orchestra, and Rhode Island All State Orchestra. This self-described cellist nerd has also had the honor of performing at Boston Symphony Hall and at Carnegie Hall in New York City, and she completed a tour of England in 2010.

Olivia has already demonstrated a strong drive to make a difference in her community and her country. Earlier this year, I had the opportunity to meet with Olivia here in my Washington office, where she advocated passionately for Federal support of ovarian cancer research. I share her deep concern about the terrible effects of cancer. She is a valuable ally in the search for a cure.

Olivia has given the Ocean State something to be proud of. I am grateful to Olivia Culpo for the example she sets for our children and for being a stellar and faithful representative of the State of Rhode Island on the world stage. I wish her all the best.

# ADDITIONAL STATEMENTS

## TRIBUTE TO ANN MILLNER

• Mr. LEE. Mr. President, Nelson Mandela said, ''Education is the most powerful weapon which you can use to change the world.'' In Utah, Weber State University President Ann Millner has lead the charge to increase, improve and enhance higher education opportunities for anyone who has sought them. After 10 years of distinguished service she is stepping down from her post and I rise to honor her today.

Before being selected president of the university, Ann served Weber in a variety of capacities including vice president for university relations, associate dean of continuing education, assistant vice president for community partnerships and director of outreach education in the school of allied health services. President Millner brought with her a well-rounded resume of leadership in education gained at several different universities. She served as education coordinator of the medical technology program at Vanderbilt University, instructional developer in medical technology at Thomas Jefferson University, a lecturer at the school of health professions, Southwest Texas State University, and associate director of continuing education at the Edmonda campus of Gwynedd-Mercy College. Ann has given her career to the pursuit of improving educational opportunities around the country and that motivation has been central to her administration at Weber.

In 2002, Ann was selected as president of the university from a pool of 55 possible candidates. Regent George Mantes said, ''In selecting a president of Weber State University we looked for someone who could lead a university that serves over 17,000 students and who would also be seen as a community leader for Northern Utah. We had terrific people to choose from and feel confident that in selecting Dr. Millner we have found the right person to fill both of these important roles.'' Mr. Mantes and the selection committee's confidence in President Millner has paid off. Under her leadership Weber State University opened a new campus in Davis and enrollment increased from 17,000 to 25,000. The university has added a number of new programs, certificates, baccalaureate and graduate degrees including seven masters degree programs and countless online course work which all serve to both enhance and expand the educational opportunities offered to students. Weber has gained particular acclaim for its growing engineering Computer and Electronics Engineering Technology department, which focuses on training students in the innovations and technologies of the future. In 2010 President Millner announced the ''Dream Weber Program,'' one of the many scholarship and outreach programs her administration developed to make higher education a possibility for those who would otherwise not have the opportunity.

The new and upgraded facilities on Weber's campus stand as a powerful symbol of the legacy President Millner leaves behind. In addition to an entire new campus in Weber, President Millner oversaw the construction of the Hurst Center for Lifelong Learning, a two-story facility dedicated to helping provide students with opportunities to continue education. She also oversaw the opening of Wildcat Village, a residential housing facility that serves over 500 students with a fun, low-cost housing experience. She also oversaw the construction and opening of Elizabeth Hall, a state-of-the-art classroom building which features multimedia capabilities, writing and tutoring centers and enough classroom space to offer more classes than any other building on campus. These three buildings exemplify some of President Millner's major accomplishments during her presidency: to increase focus on education as a lifelong pursuit, to increase educational opportunities and to enhance educational experiences with cutting-edge technologies and facilities.

President Millner brought with her a vision of the collaborative relationship the university would have with the surrounding northern Utah community. In 2008, Weber State received the Carnegie Foundation's Classification for Community Engagement, an award recognizing the collaboration ''between educational institutions and local, state, regional, national and local communities for the mutually beneficial exchange of knowledge and resources.'' Under her leadership, Weber State University also has taken part in the Utah Science, Technology and Research (USTAR) Initiative, which brings local businesses and industries together with educational institutions to ''help commercialize high potential inventions, enhance the climate for innovation and entrepreneurism and stimulate the creation of local enterprises.'' The initiative provides students with the opportunity to gain first-hand business experience and has had a tremendous positive impact on the regional economy.

In the statement announcing her resignation, Ann quoted William James: ''The best use of life is to invest it in something that will outlast it.'' She followed by saying ''the work you are doing at this university will long outlast our time here. Our students, their families, and generations to come—all will be changed by what you are doing and what the university will continue to do in the future!'' While Ann may have been addressing her remarks to the students, they are certainly just as applicable to her own efforts. Ann's tremendous vision and leadership has catapulted Weber State University to national recognition and a growing reputation for educational excellence. Sharon and I thank her for her service and for the charge she has led to increase the quality and reach of education within the great State of Utah.●

## TRIBUTE TO GORDON LEDERMAN

● Mr. LIEBERMAN. Mr. President, included in the Department of Defense Authorization Act is bipartisan, bicameral legislation I co-sponsored titled ''The Interagency Personnel Rotation Act,'' which seeks to improve the efficiency and effectiveness of the Federal Government's national and homeland security operations by encouraging the temporary rotation of certain homeland and national security employees among the different agencies that have homeland security missions.

Like the Goldwater-Nichols Act, which established the principle of interagency rotation within our armed forces, this amendment will have the effect of building trust and better communications among these different agencies, thus enhancing their collective efforts to safeguard our nation from the terrorist threat.

Much of the credit for crafting this bipartisan legislation goes to Gordon Lederman, formerly Associate Staff Director and Chief Counsel for National Security and Investigations on the Senate Homeland Security and Governmental Affairs Committee.

Gordon left my Committee staff earlier this year due to illness. However, this legislation will add to his record of enhancing the security of our country, and especially of breaking down the barriers to greater cooperation and collaboration between agencies that must work together to keep our country safe.

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.''

Gordon has selflessly answered Jefferson's centuries old call and has had a distinguished career in public service dedicated to the security of our Nation.

Here are just a few highlights of Gordon's career.

In 2003, Gordon joined the 9/11 Commission staff and was responsible for assessing the Intelligence Community's senior-level management structure. His work included developing potential recommendations for intelligence reform modeled on the Goldwater-Nichols Act as well as examining Congressional oversight.

After the 9/11 Commission released its report in July 2004, Gordon moved to the Senate Homeland Security and Governmental Affairs Committee as a special bipartisan staff member. He served as the lead drafter and negotiator of the Intelligence Reform and Terrorism Prevention Act of 2004, which enacted the Commission's recommendations to create the Director of National Intelligence and National Counterterrorism Center.

Gordon also worked on the Committee's investigation into the flawed response to Hurricane Katrina at all levels of government.

In February 2006, Gordon joined the U.S. National Counterterrorism Center to assist the Executive Branch in implementing the legislation he helped author. His work included the Center's organizational strategy and internal allocation of roles and responsibilities.

Gordon later returned to the Committee and was the lead investigator of the Committee's inquiry into 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.

Following a 14-month investigation, the Committee released its report—''A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack,'' of which Gordon was the lead writer.

The report detailed flawed practices and communications, both within and between the FBI and Department of Defense, which allowed Hasan to remain in the military—and even be promoted—despite many warning signs that he was becoming dangerous. The report also contained a series of recommendations that, had they been in place, probably would have led to Hasan's dismissal from the Army and prodded the FBI, which was aware of Hasan's suspicious actions, into a more aggressive investigation of his growing violent Islamist radicalization.

My time in the Senate is drawing to a close. I have already given my farewell address. However, I just wanted to take these few minutes to thank Gordon Lederman for the Interagency Personnel Rotation Act into law, and for his career long dedication to making our homeland more secure.●

## TRIBUTE TO KATHLEEN TURNER

● Mrs. FEINSTEIN. Mr. President, this month marks the retirement of Ms. Kathleen Turner after nearly 32 years in government service, specifically working in various capacities in the intelligence community. I commend her for her service to the Nation and wish her the very best in her retirement.

Ms. Turner has had a varied and distinguished career, having worked in different positions and capacities within the intelligence community. For most of that time, Kathleen worked where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

I have known Kathleen mostly in her capacity as the director of the Office of Legislative Affairs for the Office of the Director of National Intelligence, a position she assumed in the summer of 2006. For the last 6 years, Ms. Turner has had the sometimes unenviable job of representing the intelligence community on Capitol Hill and representing Capitol Hill to the intelligence community.

Ms. Turner is the daughter of Robert and Beverly Turner, a television repair shop owner and homemaker respectively, and was born and raised in the small suburban town of Pacific Palisades, in my State of California.

Kathleen is the fifth of seven children and she went to UCLA and majored in political science and then came to the East Coast. I am willing to forgive her for this lapse in judgment. Kathleen received a master's degree in international relations from the Johns Hopkins School of Advanced International Studies. When she completed her master's, she went right into the Defense Intelligence Agency.

Ms. Turner started her professional career with DIA as an analyst of Soviet strategic forces. She served as the Intelligence Liaison Officer to the Strategic Defense Initiative Office, and later served as the Senior Analyst for

Russia and Eurasia, managing all military intelligence analysis on these regions. During the 1990s, Ms. Turner progressively served as DIA's Director of Human Resources, the Director of Administration, and the manager of the DIA and General Defense Intelligence Program and budget office. Starting in 2002, Ms. Turner served as DIA's Director of Congressional and Public Affairs.

In short, in her 24 years at DIA, Kathleen did and saw every aspect of intelligence work in one of the few intelligence agencies to perform every kind of intelligence operation.

That, combined with her outgoing personality and ability to juggle many tasks at once, made her a natural choice to join the Legislative Affairs Office for the first Director of National Intelligence, John Negroponte, in October 2005 as that office was standing up. She quickly became the DNI's Director of Legislative Affairs in July 2006. As Director, she was responsible for the Office of the DNI's interactions with the Congress, and informing the Office of the DNI seniors of Congressional interests and perspectives on intelligence matters. In addition, Ms. Turner provided policy guidance to all 16 intelligence community legislative affairs offices.

I got to know Kathleen in the job when I became chairman of the Intelligence Committee in January 2009, through numerous meetings with DNI Dennis Blair and then DNI Jim Clapper. She always had suggestions for ways to work through problems, and could translate issues and perspectives between intelligence-speak and congressional-speak. Kathleen could also work a room—she knew every Member on the committee and all of our staff, and knew what questions needed answers or what policies were being proposed.

I must say, it is a good thing for Kathleen that she has retired from legislative affairs, as the delay in reauthorizing FISA legislation now, only 10 days from its expiration at the end of the year, would have been keeping her up around the clock and adding one more time when Congress' special way of doing things caused stress and aggravation to all involved.

On a more personal note, Kathleen's most direct contribution to me was her idea, which she then brought to fruition, to bring together a group of senior women in the intelligence community and me for a dinner on November 7, 2011 at the Hay Adams Hotel. It was a hit. Since then, the group has gotten together three more times, twice at my house and once more at a restaurant, and we have really gotten to know each other and build a relationship beyond our meetings across the meeting or witness table.

Throughout her career and travels around the world, I know Kathleen has had the loving support of her husband, Bob Sparks, who is the son of a naval officer. Bob was educated at the Virginia Military Institute and then at the University of Virginia for law school. He currently practices law in Northern Virginia. With her retirement, Kathleen and Bob look forward to spending more time together and on the water.

I am pleased to be able to thank Kathleen Turner for her service and wish her all the very best in all her future endeavors.●

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

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

## MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 925. An act to designate Mt. Andrea Lawrence.

S.J. Res. 49. Joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1509. An act to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards.

H.R. 3197. An act to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

H.R. 3378. An act 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''.

H.R. 3869. An act 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''.

H.R. 4389. An act 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''.

H.R. 6260. An act 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''.

H.R. 6379. An act to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. lnabinett, Sr. Post Office''.

H.R. 6443. An act 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''.

H.R. 6587. An act 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''.

H.R. 6684. An act to provide for spending reduction.

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following bills and joint resolution:

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the ''Nicky 'Nick' Daniel Bacon Post Office''.

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the ''Brigadier General Nathaniel Woodhull Post Office Building''.

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the ''Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex''.

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the ''Corporal Kyle Schneider Post Office Building''.

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the ''Sergeant Leslie H. Sabo, Jr. Post Office Building''.

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. LEAHY)

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

## MEASURES REFERRED

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

H.R. 1509. An act to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; to the Committee on Finance.

H.R. 3197. An act to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

H.R. 6443. An act 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''; to the Committee on Veterans'' Affairs.

## 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–8673. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–63, Introduction'' (FAC 2005–63) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8674. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2012, including the Office of Inspector General's Auditor's Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8675. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8676. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8677. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012 and the Management Response for the period ending September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8678. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8679. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8680. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8681. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8682. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the Department of Education for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8683. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8684. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8685. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8686. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3353–EM in the State of Connecticut having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–8687. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8688. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8689. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012 and the Compendium of Unimplemented Recommendations as of September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8690. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8691. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–64) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8692. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–64, Introduction'' (FAC 2005–64) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8693. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Nondisplacement of Qualified Workers Under Service Contracts'' ((RIN9000–AM21) (FAC 2005–64)) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8694. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Live Swine, Swine Semen, Pork, and Pork Products; Estonia, Hungary, Slovakia, and Slovenia'' ((RIN0579–AD20) (Docket No. APHIS–2008–043)) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8695. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraflufen-ethyl; Extension of Time-Limited Pesticide Tolerances'' (FRL No. 9373–5) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8696. A communication from the Acting Principal Deputy (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense; to the Committee on Armed Services .

EC–8697. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–63) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8698. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Iran Threat Reduction'' ((RIN9000–AM44) (FAC 2005–63)) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8699. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8700. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Harry M. Wyatt III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8701. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the annual Equipment Transparency Report (ETR); to the Committee on Armed Services.

EC–8702. A communication from the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–8703. A communication from the Assistant to the Board, Legal Division, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (Docket No. R–1454) received on December 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8704. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Transactions and Sanctions Regulations'' (31 CFR Part 560) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Banking , Housing, and Urban Affairs.

EC–8705. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8706. 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 ''Energy Conservation Program for Consumer Products: Test Procedures for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Standby Mode and Off Mode)'' (RIN1904–AB95) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Energy and Natural Resources.

EC–8707. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–8708. 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 and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Huntington-Ashland, WV–KY–OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment'' (FRL No. 9763–9) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC–8709. 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 and Designation of Areas for Air Quality Planning Purposes; South Carolina; Redesignation of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment'' (FRL No. 9763–8) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC–8710. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modifications to the Transmix Provisions Under the Diesel Sulfur Program'' (FRL No. 9763–7) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC–8711. 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; Idaho; Update to Materials Incorporated by Reference'' (FRL No. 9726–4) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC–8712. 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; West Virginia; Redesignation of the West Virginia Portion of the Huntington-Ashland, WV–KY–OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan'' (FRL No. 9764–4) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC–8713. 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 ''Appeals Settlement Guidelines—Military Disability Retirement Benefits'' (UIL No: 104.04–00, 122.01–00) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Finance.

EC–8714. 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 ''Applicable Federal Rates—January 2013'' (Rev. Rul. 2013–1) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Finance.

EC–8715. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Closing of the Port of Whitetail, MT'' (RIN1651–AA93) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8716. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Increase the Commercial Annual Catch Limit for South Atlantic Yellowtail Snapper'' (RIN0648–BC59) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8717. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 35'' (RIN0648–BB97) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8718. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Budget and Programs and Chief Financial Officer, received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8719. 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 12–139); to the Committee on Foreign Relations.

EC–8720. 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 12–173); to the Committee on Foreign Relations.

EC–8721. 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 12–169); to the Committee on Foreign Relations.

EC–8722. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the annual report of the National Advisory Council on International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC–8723. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0184—2012–0203); to the Committee on Foreign Relations.

EC–8724. A communication from the Director of the Regulations, Legislation, and Interpretation Division, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Nondisplacement of Qualified Workers Under Service Contracts; Effective Date'' (RIN1215–AB69; RIN1235–AA02) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8725. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2011''; to the Committee on Health, Education, Labor, and Pensions.

EC–8726. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC–8727. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Small Brewers Bond Reduction'' (RIN1513–AB94) received in the Office of the President of the Senate on December 20, 2012; to the Committee on the Judiciary.

EC–8728. A communication from the Federal Liaison Officer, Patent and Trademark

Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement Micro Entity Status for Pay Patient Fees'' (RIN0651–AC78) received in the Office of the President of the Senate on December 20, 2012; to the Committee on the Judiciary.

EC–8729. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to law, a report relative to recommendations for improvements to the Congressional Accountability Act; to the Committee on Rules and Administration.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–137 A resolution adopted by the Legislature of Rockland County, New York, memorializing Israel's right to exist and to take such actions as may be necessary to defend itself against outside attacks; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 911, a bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications (Rept. No. 112–260).

Report to accompany S. 1449, a bill to authorize the appropriation of funds for highway safety programs and for other purposes (Rept. No. 112–261).

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

S. 1262. A bill to improve Indian education, and for other purposes (Rept. No. 112–262).

By Mr. AKAKA, from the Committee on Indian Affairs, with amendments:

S. 1684. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes (Rept. No. 112–263).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Lori J. Robinson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Gregory A. Biscone, to be Lieutenant General.

Air Force nomination of Col. Lisa A. Naftzger-Kang, to be Brigadier General.

Air Force nominations beginning with Brigadier General William B. Binger and ending with Brigadier General Sheila Zuehlke, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Brigadier General Paul L. Ayers and ending with Brigadier General Brian G. Neal, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Colonel Stephanie A. Gass and ending with Colonel Curtis L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nomination of Lt. Gen. Stanley E. Clarke III, to be Lieutenant General.

Army nomination of Col. Jody J. Daniels, to be Brigadier General.

Army nomination of Maj. Gen. Bernard S. Champoux, to be Lieutenant General.

Army nomination of Col. Michael L. Scholes, to be Brigadier General.

Army nominations beginning with Colonel Christopher S. Ballard and ending with Colonel Robert P. Walters, Jr., which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Navy nomination of Rear Adm. (lh) Randolph L. Mahr, to be Rear Admiral.

Marine Corps nomination of Lt. Gen. Steven A. Hummer, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Richard T. Tryon, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Matthew W. Allinson and ending with Jeffrey D. Young, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Air Force nominations beginning with Johan K. Ahn and ending with Jeffrey S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Laura A. Brodhag and ending with John D. Klein, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with William R. Baez and ending with Bryce G. Whisler, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Jake R. Atwood and ending with Michael R. Zachar, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Kristen J. Beals and ending with Jianzhong J. Zhang, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Tansel Acar and ending with Brandon H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Samuel E. Aikele and ending with Scott M. Zelasko, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Homayoun R. Ahmadian and ending with Joe X. Zhang, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Army nomination of Robert W. Handy, to be Colonel.

Army nomination of James T. Seidule, to be Colonel.

Army nominations beginning with Mark A. Nozaki and ending with Matthew D. Ramsey, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Christopher J. Cummings and ending with Randolph O. Petgrave, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Anthony C. Adolph and ending with Sean M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Ronald L. Baker and ending with Michael T. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Terry L. Anderson and ending with G001094, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Jose L. Aguilar and ending with D005615, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nomination of Michael D. Shortt, to be Major.

Army nomination of Delnora L. Erickson, to be Major.

Army nomination of Ronald D. Lain, to be Lieutenant Colonel.

Army nomination of Matthew J. Burinskas, to be Colonel.

Army nomination of Ronald G. Cook, to be Colonel.

Army nomination of David A. Cortese, to be Lieutenant Colonel.

Army nomination of Charles J. Romero, to be Major.

Army nominations beginning with Michael D. Do and ending with Gregory S. Seese, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Army nominations beginning with Deepti S. Chitnis and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Karin R. Bilyard and ending with Bethany S. Zarndt, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with James E. Andrews II and ending with D010617, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Jacob W. Aaronson and ending with David W. Wolken, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Silas C. Abrenica and ending with Kevin M. Zeeb, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Lovie L. Abraham and ending with Vickee L. Wolcott, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nomination of Alfred C. Anderson, to be Major.

Army nomination of Deanna R. Beech, to be Major.

Army nominations beginning with Shrrell L. Byard and ending with Soo B. Kim, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Army nominations beginning with Donald E. Layne and ending with Joseph F. Sucher,

which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Navy nominations beginning with David Sammett and ending with Timothy R. Durkin, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Navy nominations beginning with Timothy R. Anderson and ending with George B. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Navy nomination of John T. Volpe, to be Commander.

Navy nomination of Tamara M. Sorensen, to be Lieutenant Commander.

Navy nomination of Joseph N. Kenan, to be Lieutenant Commander.

By Mr. BAUCUS for the Committee on Finance.

*Albert G. Lauber, of the District of Columbia, to be a Judge of the United States Tax Court for the term of fifteen years.

*Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. COLLINS, Mr. CARDIN, Mrs. SHAHEEN, Ms. SNOWE, and Mr. CONRAD):

S. 3705. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Finance.

By Mr. SCHUMER (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mrs. MCCASKILL, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 3706. A bill to amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 3707. A bill to authorize utilities to obtain national criminal history background checks of certain employees in sensitive positions; to the Committee on the Judiciary.

By Mr. KYL:

S. 3708. A bill to encourage reporting of child abuse; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. BROWN of Ohio):

S. 3709. A bill to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes; considered and passed.

By Mr. PAUL:

S.J. Res. 51. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to taxable medical devices; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 32

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

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 818

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3338

At the request of Mr. ENZI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

AMENDMENT NO. 3350

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3350 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. COLLINS, Mr. CARDIN, Mrs. SHAHEEN, Ms. SNOWE, and Mr. CONRAD):

S. 3705. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Nelson Mandela, the former president of South Africa, once said ''Safety and security don't just happen; they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.''

Today, I echo that call to protect our most vulnerable citizens as I join Senators KERRY, COLLINS, CARDIN, SHAHEEN, SNOWE, and CONRAD to introduce the Protect Our Kids Act.

This important legislation establishes a special task force dedicated to reducing child abuse and neglect in America. Comprised of our Nation's top child welfare administrators and researchers, law enforcement officers, and other dedicated experts, this task force would study and evaluate federal, state, and private child welfare systems and develop a comprehensive national strategy to prevent and reduce these tragic acts of violence.

Since 2002, more than 15,000 children have died due to abuse and neglect. This number is based on state-reported Child Protection Services data. But advocates predict the true number is far greater.

We don't have clear facts because currently, there is no national standard for collecting data on these young victims. Many state child protection agencies do not share vital data and statistics with other agencies, officials, or law enforcement.

Clearly, more must be done to better protect our Nation's children. More must be done to protect them from the fear and terror of abuse, especially when the threat to their safety often comes from those that should cherish them the most.

We need to bring this issue out of the shadows. It starts by learning more about the tragic deaths of these children, so that we can prevent the senseless murders from happening again. That is what this task force will do. They will study the issue and develop a national strategy and recommendations for improvements throughout the child welfare system.

According to Child Protection Services data, in Montana we reported zero fatalities from child abuse and neglect

last year. While that of course sounds like good news, the story is more complicated. We have heard of at least three child deaths related to abuse or neglect. Some abuse is going unreported. And there are clear gaps in data between the agencies and in the reporting. So I am urging my state to elevate the standards of protective services even higher.

Child Protection Services needs to coordinate with other agencies. They need to share data so we can have a clear picture of the full scope of the problem. Everyone needs to work together to make sure that all Montana kids are safe.

Our Nation must tackle this issue head on. We must embrace our responsibility to protect our children. We need to provide them with safe, nurturing environments and the support they need to thrive and succeed in our society.

We need to make sure that kids have access to physical and mental health services, so they can grow into happy, productive adults. We need to help children with mental illnesses by reducing the stigma surrounding mental health services and ensuring that these young people know there is a strong support network backing them up.

We should look at programs like home visits, which currently provide professional assistance, right at home, for more than 50,000 families across our Nation, and see how they can be improved to do an even better job supporting vulnerable families.

We are blessed to live in the richest, most powerful country in the world. We have to use every resource at our disposal to strengthen our laws to ensure that all children are given a chance to succeed in life.

This bipartisan legislation we are introducing today is a step in the right direction to protect our kids.

I commend my colleagues Senators KERRY and COLLINS for their years of tireless work, fighting for the rights of our children. The House of Representatives has already acted on this legislation. Let us now join together and create a life free of violence and fear for our most vulnerable citizens.

Let us pass the Protect Our Kids Act.

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By Mr. KYL:

S. 3708. A bill to encourage reporting of child abuse; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3708

*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 ''Stop Abuse For Every Child Act of 2012'' or the ''SAFE Child Act''.

**SEC. 2. ADDITIONAL SPECIAL ASSESSMENT.**

(a) IN GENERAL.—Chapter 20 of title 18, United States Code, is amended by inserting after section 3013 the following:

**''§ 3014. Additional special assessment**

''(a) In addition to the assessment imposed under section 3013, the court shall assess on any person other than an individual convicted of an offense against the United States an amount equal to 3 times the amount that would be assessed on a person under section 3013 for the same offense.

''(b) There is established in the Treasury a fund, to be known as the 'Surcharge Fund' (referred to in this section as the 'Fund'), to be administered by the Secretary of Health and Human Services.

''(c) Notwithstanding section 3302 of title 31, or any other law regarding the crediting of money received for the Government, there shall be deposited in the Fund an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

''(d) From amounts in the Fund, and without further appropriation, the Secretary of Health and Human Services shall, for fiscal year 2013, and every 3 fiscal years thereafter, award a competitive grant with a grant period of 3 years and in the amount of $1,000,000 for each year to a private nonprofit organization that has a successful multi-year record of operating a national child abuse hotline, which shall be used—

''(1) to operate such a hotline, which shall—

''(A) operate 24 hours a day, 7 days a week, with individuals answering calls;

''(B) be staffed by individuals that are trained to handle crisis counseling and child abuse and neglect inquiries, including individuals with a background or advanced degrees in counseling, mental health, social work, or other related fields;

''(C) have the ability to provide assistance to callers in multiple languages;

''(D) have chat or text message capability to increase access and participation for children and youth who may not be as likely to call on a telephone; and

''(E) provide—

''(i) assistance in reporting incidences of child abuse and neglect;

''(ii) crisis counseling;

''(iii) referrals to relevant resources in the caller's community; and

''(iv) education and resources on the signs and symptoms of abuse, risk factors, parenting concerns, and adult survivor issues; and

''(2) to encourage reporting of child abuse and conduct public education on child abuse.

''(e)(1) Effective on the day after the date on which an award is made under subsection (d), or, for a fiscal year in which no award is made under subsection (d), effective on September 30 of that fiscal year, all unobligated balances in the Fund shall be transferred to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

''(2) Amounts transferred under paragraph (1)—

''(A) shall be available for any authorized purpose of the Crime Victims Fund; and

''(B) shall remain available until expended.

''(f) The amount assessed under subsection (a) shall be collected in the manner that fines are collected in criminal cases.

''(g) The obligation to pay an assessment imposed on or after the date of enactment of the SAFE Child Act shall not cease until the assessment is paid in full.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 20 of title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

''3014. Additional special assessment.''.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3425. Mr. MERKLEY 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 3426. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3427. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3428. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3429. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3430. 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 3431. 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 3432. Mr. REID (for Mr. VITTER (for himself, Mr. WARNER, Mr. NELSON of Florida, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

SA 3433. Mr. REID (for Mrs. MCCASKILL (for herself and Mr. BLUNT)) proposed an amendment to the bill H.R. 6364, to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

SA 3434. Mr. REID (for Mr. VITTER (for himself and Mr. BROWN of Ohio)) proposed an amendment to the bill S. 3709, to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

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## TEXT OF AMENDMENTS

**SA 3425.** Mr. MERKLEY 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 7, lines 18 and 19, strike ''LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS'' and insert ''LIMITED RESOURCE FARMERS, BEGINNING FARMERS, AND SOCIALLY DISADVANTAGED FARMERS''.

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**SA 3426.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 9 through 13 and insert the following: ''*Provided further,* That obligations incurred for the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: *Provided further,* That funds appropriated in this paragraph may be used to make grants for renovating, repairing, or rebuilding non-Fed-''.

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**SA 3427.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) 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:

At the end of the amendment, add the following:

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

FINDINGS AND PURPOSES

SEC. 111. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $50,000,000 to $87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as ''HLB'' or ''citrus greening disease'') and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than $3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately $13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are to authorize the establishment of a trust to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 112. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Citrus Disease Research and Development Trust Fund'' (in this section referred to as the ''Trust Fund''), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall—

(A) transfer to the Trust Fund from amounts appropriated to the Secretary under this title an amount the Secretary determines to be necessary for the purposes described in subsection (c)(2); and

(B) reduce on a pro rata basis amounts appropriated for other programs under this title by the amount transferred to the Trust Fund under subparagraph (A).

(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1)(A) may not exceed $30,000,000.

(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

(A) for expenditures relating to citrus disease research and development under section 113, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that section.

(d) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

(3) an assessment of the amounts available in the Trust Fund for future expenditures.

(f) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD

SEC. 113. (a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 112 or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term ''citrus'' means edible fruit of the family Rutaceae, commonly called ''citrus''.

(B) INCLUSION.—The term ''citrus'' includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) PERSON.—The term ''person'' means any individual, group of individuals, firm, partnership, corporation, joint stock company,

association, cooperative, or other legal entity.

(5) PRODUCER.—The term ''producer'' means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term ''program'' means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST FUND.—The term ''Trust Fund'' means the Citrus Disease Research and Development Trust Fund established under section 112.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

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**SA 3428.** Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) 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:

At the end of the amendment, add the following:

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

FINDINGS AND PURPOSES

SEC. 111. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $50,000,000 to $87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as ''HLB'' or ''citrus greening disease'') and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than $3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately $13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are to authorize the establishment of a trust to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 112. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Citrus Disease Research and Development Trust Fund'' (in this section referred to as the ''Trust Fund''), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall transfer to the Trust Fund, from the funds of the Commodity Credit Corporation that the Secretary would have otherwise used to carry out the amendments made by sections 101 and 102, an amount the Secretary determines to be necessary for the purposes described in subsection (c)(2).

(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) may not exceed $30,000,000.

(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

(A) for expenditures relating to citrus disease research and development under section 113, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that section.

(d) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

(3) an assessment of the amounts available in the Trust Fund for future expenditures.

(f) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD

SEC. 113. (a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 112 or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term ''citrus'' means edible fruit of the family Rutaceae, commonly called ''citrus''.

(B) INCLUSION.—The term ''citrus'' includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) PERSON.—The term ''person'' means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term ''producer'' means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term ''program'' means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST FUND.—The term ''Trust Fund'' means the Citrus Disease Research and Development Trust Fund established under section 112.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

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**SA 3429.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) 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:

At the end of the amendment, add the following:

Subtitle B

Citrus Disease Research and Development Trust Fund

SHORT TITLE

SEC. 111. This subtitle may be cited as the ''Citrus Disease Research and Development Trust Fund Act of 2012''.

FINDINGS AND PURPOSES

SEC. 112. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $50,000,000 to $87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as ''HLB'' or ''citrus greening disease'') and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than $3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately $13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 113(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this subtitle restricts the use of any funds for scientific research and technical activities in the United States.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 113. (a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

**"TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**"SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Citrus Disease Research and Development Trust Fund' (in this section referred to as the 'Trust Fund'), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

''(b) TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

''(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

''(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or

''(B) $30,000,000.

''(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

''(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

''(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

''(A) for expenditures relating to citrus disease research and development under section 114 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

''(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

''(d) INVESTMENT OF TRUST FUND.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

''(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

''(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

''(3) an assessment of the amounts available in the Trust Fund for future expenditures.

''(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

''(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

**"SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.**

''The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

''(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

''(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

''TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

''Sec. 1001. Citrus Disease Research and Development Trust Fund.

''Sec. 1002. Reports required before entering into certain trade agreements.''.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD

SEC. 114. (a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 113(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term ''citrus'' means edible fruit of the family Rutaceae, commonly called ''citrus''.

(B) INCLUSION.—The term ''citrus'' includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) PERSON.—The term ''person'' means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term ''producer'' means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term ''program'' means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST FUND.—The term ''Trust Fund'' means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 113(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to

the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 115. Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

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

EXTENSION OF CUSTOMS USER FEES

SEC. 116. Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 23, 2021, and ending on November 6, 2021.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 30, 2021, and ending on November 13, 2021.''.

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**SA 3430.** 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,

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**SA 3431.** 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,

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**SA 3432.** Mr. REID (for Mr. VITTER (for himself, Mr. WARNER, Mr. NELSON of Florida, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Drywall Safety Act of 2012''.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

**SEC. 3. DRYWALL LABELING REQUIREMENT.**

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264-11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

**SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.**

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) FUTURE RULEMAKING.—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

**SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.**

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled ''Remediation Guidance for Homes with Corrosion from Problem Drywall'' to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

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**SA 3433.** Mr. REID (for Mrs. MCCASKILL (for herself and Mr. BLUNT)) proposed an amendment to the bill H.R.

6364, to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''World War I Centennial Commission Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Establishment of World War I Centennial Commission.
Sec. 5. Duties of Centennial Commission.
Sec. 6. Powers of Centennial Commission.
Sec. 7. Centennial Commission personnel matters.
Sec. 8. Termination of Centennial Commission.
Sec. 9. Prohibition on obligation of Federal funds.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) From 2014 through 2018, the United States and nations around the world will mark the centennial of World War I, including the entry of the United States into the war in April 1917.

(2) America's support of Great Britain, France, Belgium, and its other allies in World War I marked the first time in United States history that American soldiers went abroad in defense of liberty against foreign aggression, and it marked the true beginning of the ''American century''.

(3) Although World War I was at the time called ''the war to end all wars'', in fact the United States would commit its troops to the defense of foreign lands 3 more times in the 20th century.

(4) More than 4,000,000 men and women from the United States served in uniform during World War I, among them 2 future presidents, Harry S. Truman and Dwight D. Eisenhower. Two million individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas. The United States suffered 375,000 casualties during World War I, including 116,516 deaths.

(5) The events of 1914 through 1918 shaped the world, the United States, and the lives of millions of people.

(6) The centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of their predecessors.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the history of World War I, the United States involvement in that war, and the war's effects on the remainder of the 20th century, and to commemorate and honor the participation of the United States and its citizens in the war effort.

**SEC. 3. DEFINITIONS.**

In this Act—

(1) AMERICA'S NATIONAL WORLD WAR I MUSEUM.—The term ''America's National World War I Museum'' means the Liberty Memorial Museum in Kansas City, Missouri, as recognized by Congress in section 1031(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2045).

(2) CENTENNIAL COMMISSION.—The term ''Centennial Commission'' means the World War I Centennial Commission established by section 4(a).

(3) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the ''World War I Centennial Commission''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) TIME FOR APPOINTMENT.—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Centennial Commission.

(4) VACANCIES.—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) MEETINGS.—

(1) INITIAL MEETING.—

(A) IN GENERAL.—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) LOCATION.—The location for the meeting held under subparagraph (A) shall be the America's National World War I Museum.

(2) SUBSEQUENT MEETINGS.—

(A) IN GENERAL.—The Centennial Commission shall meet at the call of the Chair.

(B) FREQUENCY.—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) LOCATION.—Not less frequently than once each year, the Centennial Commission shall meet at the America's National World War I Museum.

(3) QUORUM.—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) CHAIR AND VICE CHAIR.—The Centennial Commission shall select a Chair and Vice Chair from among its members.

**SEC. 5. DUTIES OF CENTENNIAL COMMISSION.**

(a) IN GENERAL.—The duties of the Centennial Commission are as follows:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I.

(5) To develop recommendations for Congress and the President for commemorating the centennial of World War I.

(b) REPORTS.—

(1) PERIODIC REPORT.—Not later than the last day of the 6-month period beginning on the date of the enactment of this Act, and not later than the last day of each 3-month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

**SEC. 6. POWERS OF CENTENNIAL COMMISSION.**

(a) HEARINGS.—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) POWERS OF MEMBER AND AGENTS.—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) LIMITATION.—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 8(a).

(f) POSTAL SERVICES.—The Centennial Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) GIFTS, BEQUESTS, AND DEVISES.—The Centennial Commission shall accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

**SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Members of the Centennial Commission shall serve without compensation for such service.

(b) TRAVEL EXPENSES.—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) LIMITATION.—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) WORK LOCATION.—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America's National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) SOURCE OF FUNDS.—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.

**SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.**

(a) IN GENERAL.—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) EXCEPTION.—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

**SEC. 9. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.**

No Federal funds may be obligated to carry out this Act.

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**SA 3434.** Mr. REID (for Mr. VITTER (for himself and Mr. BROWN of Ohio)) proposed an amendment to the bill S. 3709, to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

Strike all after the enacting clause and insert the following:

**SECTION 1. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF TRANSACTIONS BETWEEN LARGE FINANCIAL COMPANIES AND THE FEDERAL GOVERNMENT.**

(a) DEFINITIONS.—For purposes of this Act—

(1) the term ''covered institution'' means any bank holding company having more than $500,000,000,000 in consolidated assets; and

(2) the term ''economic benefit'' means the difference between actual loans terms offered, debt or equity prices, or asset values and a reasonable estimate of what such terms, prices, or values might have been, as determined by examining actual values of comparable transaction in the private markets or by estimating the values of comparable transactions priced to properly reflect associated risk.

(b) GAO STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a study of covered institutions, such as—

(1) the favorable pricing of the debt of such institutions, relative to their risk profile resulting from the perception that such institutions will receive Government support in the event of any financial stress;

(2) any favorable funding or economic treatment resulting from an increase in the credit rating for covered institutions, as a result of express, implied, or perceived Government support;

(3) any economic benefit to covered institutions resulting from the ownership of, or affiliation with, an insured depository institution;

(4) any economic benefit resulting from the status of covered institutions as a bank holding company, including access to Federal deposit insurance and the discount window of the Board of Governors of the Federal Reserve System before the date of enactment of this Act;

(5) any economic benefit received through extraordinary Government actions taken, such as—

(A) actions by the Department of the Treasury—

(i) under the Emergency Economic Stabilization Act, such as—

(I) asset purchases by the United States Government;

(II) capital injections from the United States Government; or

(III) housing programs; or

(ii) by the purchase of the mortgage backed securities of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (in this Act referred to as ''government-sponsored enterprises''), in order to lower interest rates, and the value of such securities in the absence of such purchases;

(B) actions by the Board of Governors of the Federal Reserve System prior to the date of enactment of this Act, such as—

(i) providing loans to financial institutions through the Term Auction Facility; and

(ii) assistance through programs under section 13(3) of the Federal Reserve Act prior to the date of enactment of this Act, such as—

(I) lending through the Commercial Paper Funding Facility;

(II) securities lending to primary dealers through the Primary Dealer Credit Facility and the Term Securities Lending Facility;

(III) lending to institutions through the Term Asset-Backed Securities Loan Facility; or

(IV) purchasing assets through the Maiden Lane facility; and

(C) actions by the Federal Deposit Insurance Corporation, such as—

(i) guaranteeing debt or deposits through the Temporary Liquidity Guarantee Program; or

(ii) pricing of assessments related to any such guarantees; and

(6) any extraordinary assistance provided to American Insurance Group, but ultimately received by one of the covered institutions; and

(7) any Government actions that resulted in the payment or nonpayment of credit default swap contracts entered into by a covered institution.

**SEC. 2. REPORT TO CONGRESS.**

Not later than 1 year after the date of enactment of this Act, the Comptroller shall submit a report to Congress detailing the findings of the Comptroller in the study conducted under this Act. Such report shall be made electronically available to the public, except that any proprietary, sensitive, or confidential information shall be redacted in any release to the public.

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed to provide authority inconsistent with, or to otherwise affect, section 714 of title 31 United States Code.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate following a vote on the Senate Floor on December 21, 2012.

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

## PRIVILEGES OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that LTCs Todd Ladwig and Victor Glover, Navy fellows in my office, be allowed floor privileges for the duration of the debate on the conference report of H.R. 4310, the National Defense Authorization Act for fiscal year 2013.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Jeff Bennett be allowed permission to occupy the floor.

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

## UNANIMOUS CONSENT AGREEMENT—FISA AMENDMENTS

Mr. REID. Mr. President, I ask unanimous consent that with respect to the consideration of the FISA bill, the text for each of the amendments in order under the previous agreement is at the desk.

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

## EXECUTIVE SESSION

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## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 834,

835, 877; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

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.

Jon S. Tigar, of California, to be United States District Judge for the Northern District of California.

## NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of following nomination: PN 2024; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years, vice a new position created by Public Law 100–389, approved October 10, 2008.

Mr. LEAHY. Mr. President, over the last four years, Senate Republicans have chosen to depart dramatically from Senate traditions in their efforts to delay and obstruct President Obama's judicial nominations.

For example, until 2009, Senators deferred to the President and to home State Senators on district court nominees. During the 8 years that George W. Bush served as President, only 5 of his district court nominees received any opposition on the floor. In just 4 years, Senate Republicans have voted against 39 of President Obama's district court nominees, and the Majority Leader has been forced to file cloture on 20 of them.

Federal district court judges are the trial court judges who hear cases from litigants across the country and preside over Federal criminal trials, applying the law to facts and helping settle legal disputes. They handle the vast majority of the caseload of the Federal courts and are critical to making sure our Federal courts remain available to provide a fair hearing for all Americans. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best, and have been confirmed quickly with that support. Never before in the 37 years I have been in the Senate have I seen anything like what has happened in the last 4 years. Never before in the Senate's history have we seen district court nominees blocked for months and opposed for no good reason. Many are needlessly stalled and then confirmed virtually unanimously with no explanation for the obstruction. Senate Republicans have politicized even these traditionally non-partisan positions. This is harmful to our Federal courts and the American people.

Until 2009, Senators who filibustered circuit court nominees generally had reasons to do so, and were willing to explain those reasons. When Senate Democrats filibustered President Bush's controversial circuit court nominees, it was over substantive concerns about the nominees' records and Republicans' disregard for the rights of Democratic Senators. When we opposed Janice Rogers Brown, it was because of her long record on the California Supreme Court of deciding cases based on extreme views, and having argued that Social Security was unconstitutional. When we opposed Priscilla Owen, it was because her rulings on the Texas Supreme Court were so extreme that they drew the condemnation of even the conservative judges on that court.

On the other hand, Senate Republicans have filibustered and delayed nearly all of President Obama's circuit court nominees even when those nominees have the support of their Republican home State Senators. Take the examples of Judge Robert Bacharach and William Kayatta, two consensus circuit nominees who have the support of their Republican home State Senators. Both these nominees received the ABA Standing Committee on the Federal Judiciary's highest possible rating, that of unanimously ''Well Qualified.'' They have strong bipartisan support, and unimpeachable credentials, and there is no reason why they should not have been confirmed months ago. Republicans continue to stall them without final confirmation votes approximately 8 months after they were considered and approved by the Senate Judiciary Committee.

The irony and dangerous new development is that neither of these nominees faces any real Republican opposition. Senator COBURN, one of Judge Bacharach's home State Senators, has said: ''[Judge Bacharach] has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed.'' Still, Senate Republicans refuse to allow for a vote on his nomination. The same also applies to Richard Taranto, who was reported more than eight months ago to a vacancy on the Federal Circuit by voice vote and faces no Republican opposition. This also applies to William Kayatta of Maine, who was reported nearly eight months ago and has the support of his two home State Republican Senators.

It makes no sense for Senate Republicans to continue filibustering these nominations, but it fits with their track record over the last 4 years. Senate Republicans used to insist that the filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely-respected 15–year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator DICK LUGAR, the longest-serving Republican in the Senate. They delayed his confirmation for 7 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering 10 of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

The nonpartisan Congressional Research Service has reported that the

median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican obstruction.

This unprecedented and meritless obstruction means that when the Senate adjourns, Senate Republicans will have blocked more than 40 of President Obama's circuit and district nominees from being confirmed.

This obstruction is also why a damagingly high level of judicial vacancies has persisted for over 3½ years. While such tactics are bad for the Senate, they are also bad for our Nation's overburdened courts. Persistent vacancies force fewer judges to take on growing caseloads, and make it harder for Americans to have access to justice. While they have delayed and obstructed, the number of judicial vacancies has been historically high and it has become more difficult for our courts to provide speedy, quality justice for the American people. In fact, five of the judicial nominees pending on the Senate calendar on whom Republicans refuse to allow a vote would fill judicial emergency vacancies.

For almost 4 years now, ever since President Barack Obama took office, we have heard the same spurious arguments from Senate Republicans for why they refuse to help our Federal courts function. Senate Republicans claim that we have not confirmed more judges because President Obama has not made a sufficient number of nominations. It is Senate Republicans themselves, and their unwillingness to work with a President who has reached out to them to submit recommendations and to work with him that has delayed many nominations.

Unlike his predecessor, President Obama has worked hard to solicit recommendations from home State Senators, including those from the other party. This President has consistently selected qualified, mainstream nominees. For the judicial vacancies in States with two Republican Senators, just 21 percent have a nominee. Four such vacancies exist in Texas—including three judicial emergency vacancies. This has prompted a retired Federal judge in Hawaii to move to Texas to help the overburdened judges with their caseload. I urge Senate Republicans to do a better job providing consensus recommendations and fulfilling their own constitutional responsibility to ''advise'' the President on nominations and work with President Obama to fill these vacancies.

At the end of each calendar year, Senate Republicans now deliberately refuse to vote on several judicial nominees who could and should be confirmed in order to consume additional time the following year confirming these nominees. At the end of 2009, they left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other 8. This resulted in the lowest 1-year confirmation total in at least 35 years. For the last 2 years, Senate Republicans left 19 nominations on the Senate Executive Calendar at the end of each year. It then took nearly half the following year for the Senate to confirm these nominees. This year they are insisting on leaving 11 judicial nominees without action and another 4 have had hearings but Senate Republicans refused to expedite their consideration.

Senate Republicans claim that their delays and obstruction should be excused because, despite their opposition, the Senate confirmed the President's two Supreme Court Justices. Senate Republicans ignore the fact that during President Bush's first 4 years 205 circuit and district court nominees had been confirmed, and that judicial vacancies were reduced to as low as 28. During his second term, vacancies were reduced to 34. Vacancies have stood at nearly or above for most of President Obama's first four years and will not dip below 60. Vacancies remain more than twice what they were at the end of President Bush's first term. The 173 judges that we have been able to confirm fall more than 30 short of the total for President Bush's first term. Moreover, when the Senate confirmed two Justices during President Clinton's first term and President George H.W. Bush's term, the Senate also confirmed 200 and 192 circuit and district nominees, respectively. Their obstruction of needed confirmations cannot be justified on account of the two Supreme Court vacancies.

Until 2009, when a judicial nominee had been reported by the Judiciary Committee with bipartisan support, they were generally confirmed quickly. Until 2009, we observed regular order and usually confirmed four to six nominees per week, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's record. We know what has happened since 2009. The average district nomination is stalled 4.3 times as long as it took to confirm them during the Bush administration, and the average circuit court nomination is stalled on average 7.3 times as long as it took to confirm them during the Bush administration. Nor has any other President's judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

No one is happier than I that a dozen district court nominees will be confirmed during this lame duck session but that is hardly something justifying Republican chest beating. What it starkly demonstrates is that they have been stalling consensus nominees for months without cause. All of these nominees could and should have been confirmed before the August recess and should have been at work administering justice for the American people. In most other years, like in 2008, judicial nominees, especially those who are qualified, consensus nominees with bipartisan support and the support of their home State Senators, are confirmed before the election recess. They are not stalled and not dragged over into a lame duck session after the election. This is not success, unless you believe that perpetuating vacancies and forcing hardworking Americans to wait even longer to have their day in court is something of which to be proud.

Senate Republicans have also forced the Majority Leader to file cloture on 30 nominees, which is already more than 50 percent more nominees than had cloture filed during President Bush's 8 years in office. Almost all of these 30 nominations were noncontroversial and were ultimately confirmed overwhelmingly. Barely 80 percent of President Obama's judicial nominees have been confirmed, compared to almost 90 percent of President George W. Bush's first term nominees.

While this is not even close to a full account of the precedents broken in the last 4 years, the record is clear: Senate Republicans have engaged in an unprecedented effort to obstruct President Obama's judicial nominations. Pretending it has not taken place is an insult to the American people. The American people know better. Chief Justice Roberts, in his year-end Report on the Federal Judiciary in 2010 pointed to the ''[P]ersistent problem [that] has developed in the process of filling judicial vacancies. . . . This has created acute difficulties for some judicial districts. Sitting judges in those districts have been burdened with extraordinary caseloads. . . . There remains, however, an urgent need for the political branches to find a long-term solution to this recurring problem.'' Despite bipartisan calls to address the judicial vacancy crisis, Senate Republicans continued their obstruction of judicial confirmations.

Today, the Senate is finally being allowed to vote on 3 but only 3 of the 14 judicial nominees pending on the Senate Executive Calendar.

Judge Malachy Mannion is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Middle District of Pennsylvania, where he currently serves as the Chief U.S. Magistrate Judge. He has been a Magistrate Judge in that District for over 10 years, where he has presided over 104 cases that have gone to verdict or judgment. Prior to his appointment as a U.S. Magistrate Judge, Judge Mannion served as Federal prosecutor for over 10 years, where he rose to become the Chief of the Office's Organized Crime Enforcement Task Force. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of ''Well Qualified.'' His nomination has the bipartisan support of his home State Senators. He was approved by the Judiciary Committee 5 months ago by voice vote.

Matthew Brann is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Middle District of Pennsylvania. He has been in private practice for over 2 decades, where he specializes in complex corporate and commercial transactions, real estate, probate, and estate planning. He has tried 20 cases to verdict, judgment, or final decision. He has the support of his home State Senators, and he was voted out of the Judiciary Committee by voice vote 5 months ago.

Judge Jon Tigar is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Judge Tigar is currently a Superior Court Judge for Alameda County, where he has presided over 175 cases that have gone to verdict or judgment. He previously spent 10 years as a litigator in private practice at two prominent law firms in San Francisco. He earned his law degree from the University of California at Berkeley. After law school, he clerked for the Honorable Robert S. Vance in the U.S. Court of Appeals for the Eleventh Circuit. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of ''Well Qualified.'' His nomination has the support of his home State Senators, and he was approved by the Judiciary Committee more than four months ago by voice vote.

After today's vote, there will still be 11 judicial nominees on the Senate Executive Calendar, 6 of whom were voted out of the Judiciary Committee before the August recess. There is no reason why we cannot confirm all of them today. I have also been urging Republicans to expedite consideration of the 4 judicial nominees who participated in hearings last Wednesday. That would lead to 11 more confirmations before the Senate adjourns to help address the judicial vacancies that currently exist in our Federal courts.

If we adjourn today without confirming these additional nominees, we will leave those 11 vacancies and 5 emergency vacancies open for even longer, and there will be at least 80 vacancies when President Obama begins his second term. Recall that during President Bush's entire second term, the 4 years from January, 2005 through January, 2009, vacancies never exceeded 60. So far during President Obama's first 4 years in office and as far into the future as we can see there have never been less than 60 vacancies, and for much of that time many, many more. This is a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people.

I commend President Obama for nominating such a diverse group of qualified judges. In his first 4 years, President Obama has appointed as many women judges as President Bush did during his entire 8 years in office. In just 4 years, President Obama has also nominated more African Americans, more Asian Americans, and more openly gay Americans than his predecessor did in 8 years. Americans can be proud of President Obama's efforts to increase diversity in the Federal judiciary and to ensure that it better reflects all Americans.

I hope that next year, and in the next 4 years, Senate Republicans will end their misguided and harmful obstruction and work with us in a bipartisan manner to do what is right for the country. President Obama has nominated qualified, mainstream lawyers, and the Senate should consider them in regular order, without unnecessary delays. That is what we had done for as long as I have served in the Senate, whether the nominations came from a Democratic or a Republican president. We should work together to restore and uphold the best traditions of the Senate.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to Legislative Session.

## DESIGNATING THE CITY OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of H.R. 1339 and we now proceed to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1339) to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask the bill be read a third time, passed, the motion to reconsider be considered made and laid on 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 bill (H.R. 1339) was ordered to a third reading, was read the third time, and passed.

## DRYWALL SAFETY ACT OF 2012

Mr. REID. Mr. President, I now ask unanimous consent the Committee on Commerce be discharged from further consideration of H.R. 4212, and we now proceed to this matter.

The PRESIDING OFFICER . Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Vitter substitute amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be considered made and laid on the table, and any statements be printed in the RECORD.

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

The amendment (No. 3432) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Drywall Safety Act of 2012''.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

**SEC. 3. DRYWALL LABELING REQUIREMENT.**

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264-11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

**SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.**

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United

States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) FUTURE RULEMAKING.—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

**SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.**

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled ''Remediation Guidance for Homes with Corrosion from Problem Drywall'' to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

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

The bill (H.R. 4212), as amended, was read the third time, and passed.

## REQUIRING MOTOR VEHICLE INSURANCE COST REPORTING

Mr. REID. Mr. President, I now ask unanimous consent the Committee of Commerce be discharged from further consideration of H.R. 5859.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5859) to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I further ask unanimous consent the bill be read a third time, passed, the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and any statement be printed in the RECORD.

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

The bill (H.R. 5859) was ordered to a third reading, was read the third time, and passed.

## FRANK BUCKLES WORLD WAR I MEMORIAL ACT

Mr. REID. I now ask we proceed to H.R. 6364.

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

The legislative clerk read as follows:

A bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask that the McCaskill-Blunt amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be made and laid on the table with no intervening action or debate, and any statement be printed in the RECORD.

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

The amendment (No. 3433), in the nature of a substitute, was agreed to.

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

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

The bill (H.R. 6364), as amended, was read the third time and passed.

## GOVERNMENT ACCOUNTABILITY OFFICE EXAMINATION OF CERTAIN TRANSACTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 3709, which was reported earlier today.

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

The legislative clerk read as follows:

A bill (S. 3709) to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Vitter-Brown of Ohio amendment, which is at the desk, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and all statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3434) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF TRANSACTIONS BETWEEN LARGE FINANCIAL COMPANIES AND THE FEDERAL GOVERNMENT.**

(a) DEFINITIONS.—For purposes of this Act—

(1) the term ''covered institution'' means any bank holding company having more than $500,000,000,000 in consolidated assets; and

(2) the term ''economic benefit'' means the difference between actual loans terms offered, debt or equity prices, or asset values and a reasonable estimate of what such terms, prices, or values might have been, as determined by examining actual values of comparable transaction in the private markets or by estimating the values of comparable transactions priced to properly reflect associated risk.

(b) GAO STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a study of covered institutions, such as—

(1) the favorable pricing of the debt of such institutions, relative to their risk profile resulting from the perception that such institutions will receive Government support in the event of any financial stress;

(2) any favorable funding or economic treatment resulting from an increase in the credit rating for covered institutions, as a result of express, implied, or perceived Government support;

(3) any economic benefit to covered institutions resulting from the ownership of, or affiliation with, an insured depository institution;

(4) any economic benefit resulting from the status of covered institutions as a bank holding company, including access to Federal deposit insurance and the discount window of the Board of Governors of the Federal Reserve System before the date of enactment of this Act;

(5) any economic benefit received through extraordinary Government actions taken, such as—

(A) actions by the Department of the Treasury—

(i) under the Emergency Economic Stabilization Act, such as—

(I) asset purchases by the United States Government;

(II) capital injections from the United States Government; or

(III) housing programs; or

(ii) by the purchase of the mortgage backed securities of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (in this Act referred to as ''government-sponsored enterprises''), in order to lower interest rates, and the value of such securities in the absence of such purchases;

(B) actions by the Board of Governors of the Federal Reserve System prior to the date of enactment of this Act, such as—

(i) providing loans to financial institutions through the Term Auction Facility; and

(ii) assistance through programs under section 13(3) of the Federal Reserve Act prior to the date of enactment of this Act, such as—

(I) lending through the Commercial Paper Funding Facility;

(II) securities lending to primary dealers through the Primary Dealer Credit Facility and the Term Securities Lending Facility;

(III) lending to institutions through the Term Asset-Backed Securities Loan Facility; or

(IV) purchasing assets through the Maiden Lane facility; and

(C) actions by the Federal Deposit Insurance Corporation, such as—

(i) guaranteeing debt or deposits through the Temporary Liquidity Guarantee Program; or

(ii) pricing of assessments related to any such guarantees; and

(6) any extraordinary assistance provided to American Insurance Group, but ultimately received by one of the covered institutions; and

(7) any Government actions that resulted in the payment or nonpayment of credit default swap contracts entered into by a covered institution.

**SEC. 2. REPORT TO CONGRESS.**

Not later than 1 year after the date of enactment of this Act, the Comptroller shall submit a report to Congress detailing the findings of the Comptroller in the study conducted under this Act. Such report shall be made electronically available to the public, except that any proprietary, sensitive, or confidential information shall be redacted in any release to the public.

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed to provide authority inconsistent with, or to otherwise affect, section 714 of title 31 United States Code.

The bill (S. 3709), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 613, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 613) urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a voice vote on the adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 613) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 613

Whereas the Department of State has designated Hizballah as a foreign terrorist organization since October 1997;

Whereas the United States Government designated Hizballah a specially designated terrorist organization in January 1995 and a ''Specially Designated Global Terrorist'' pursuant to Executive Order 13224 (66 Fed. Reg. 49079) in October 2001;

Whereas Hizballah was established in 1982 through the direct sponsorship and support of Iran's Islamic Revolutionary Guards Corps (IRGC) Quds Force and continues to receive training, weapons, and explosives, as well as political, diplomatic, monetary, and organizational aid, from Iran;

Whereas Hizballah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in 1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s, and support of the Khobar Towers attack in Saudi Arabia that killed 19 Americans in 1996;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, ''Since at least 2004, Hizballah has provided training to select Iraqi Shia militants, including on the construction and use of improvised explosive devices (IEDs) that can penetrate heavily-armored vehicles.'';

Whereas, in 2007, a senior Hizballah operative, Ali Mussa Daqduq, was captured in Iraq with detailed documents that discussed tactics to attack Iraqi and coalition forces, and has been directly implicated in a terrorist attack that resulted in the murder of 5 members of the United States Armed Forces;

Whereas Hizballah has been implicated in the terrorist attacks in Buenos Aires, Argentina, on the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994;

Whereas Hizballah has been implicated in acts of terrorism and extrajudicial violence in Lebanon, including the assassination of political opponents;

Whereas, in June 2011, the Special Tribunal for Lebanon, an international tribunal for the prosecution of those responsible for the February 14, 2005, assassination of former Lebanese Prime Minister Rafiq Hariri, issued arrest warrants against 4 senior Hizballah members, including its top military commander, Mustafa Badr al-Din, identified as the primary suspect in the assassination;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, Hizballah is ''the likely perpetrator'' of 2 bomb attacks that wounded United Nations Interim Force in Lebanon (UNIFIL) peacekeepers in Lebanon during 2011;

Whereas, according to the October 18, 2012, report of the Secretary-General of the United Nations to the United Nations Security Council on the implementation of Security Council Resolution 1559 (2004) (in this preamble referred to as the ''October 18 Report''), ''The maintenance by Hizbullah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon . . . creates an atmosphere of intimidation in the country[,] . . . puts Lebanon in violation of its obligations under Resolution 1559 (2004)[,] and constitutes a threat to regional peace and stability.'';

Whereas John Brennan, Assistant to the President for Homeland Security and Counterterrorism, stated on October 26, 2012, that Hizballah's ''social and political activities must not obscure [its] true nature or prevent us from seeing it for what it is—an international terrorist organization actively supported by Iran's Islamic Revolutionary Guards Corps – Quds Force'';

Whereas David Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence, stated on August 10, 2012, ''Before al Qaeda's attack on the U.S. on September 11, 2001, Hizballah was responsible for killing more Americans in terrorist attacks than any other terrorist group.'';

Whereas, according to a September 13, 2012, Department of the Treasury press release, ''The last year has witnessed Hizballah's most aggressive terrorist plotting outside the Middle East since the 1990s.'';

Whereas, since 2011, Hizballah has been implicated in thwarted terrorist plots in Azerbaijan, Cyprus, Thailand, and elsewhere;

Whereas, on July 18, 2012, a suicide bomber attacked a bus in Burgas, Bulgaria, murdering 5 Israeli tourists and the Bulgarian bus driver in a terrorist attack that, according to Mr. Brennan, ''bore the hallmarks of a Hizballah attack'';

Whereas Israeli prime minister Benjamin Netanyahu has stated of the Burgas terrorist attack, ''We have unquestionable, fully substantiated evidence that this was done by Hizballah backed by Iran.'';

Whereas Bulgaria is a member of the European Union and a member of the North Atlantic Treaty Organization (NATO);

Whereas, according to the October 18 Report, ''There have been credible reports suggesting involvement by Hizbullah and other Lebanese political forces in support of the parties in the conflict in Syria. . . . Such militant activities by Hizbullah in Syria contradict and undermine the disassociation policy of the Government of Lebanon, of which Hizbullah is a coalition member.'';

Whereas, on October 26, 2012, Mr. Brennan stated, ''We have seen Hizballah training militants in Yemen and Syria, where it continues to provide material support to the regime of Bashar al Assad, in part to preserve its weapon supply lines.'';

Whereas, on August 10, 2012, the Department of the Treasury designated Hizballah pursuant to Executive Order 13582 (76 Fed. Reg. 52209), which targets those responsible for human rights abuses in Syria, for providing support to the Government of Syria;

Whereas, according to the Department of the Treasury, since early 2011, Hizballah ''has provided training, advice and extensive logistical support to the Government of Syria's increasingly ruthless effort to fight against the opposition'' and has ''directly trained Syrian government personnel inside Syria and has facilitated the training of Syrian forces by Iran's terrorism arm, the Islamic Revolutionary Guards Corps – Qods Force'';

Whereas, on September 13, 2012, the Department of the Treasury designated the Secretary-General of Hizballah, Hasan Nasrallah, for overseeing ''Hizballah's efforts to help the Syrian regime's violent crackdown on the Syrian civilian population'';

Whereas, on October 26, 2012, Mr. Brennan stated, ''Even in Europe, many countries . . . have not yet designated Hizballah as a terrorist organization. Nor has the European Union. Let me be clear: failure to designate Hizballah as a terrorist organization makes it harder to defend our countries and protect our citizens. As a result, for example, countries that have arrested Hizballah suspects for plotting in Europe have been unable to prosecute them on terrorism charges.''; and

Whereas, on October 26, 2012, Mr. Brennan called on the European Union to designate Hizballah as a terrorist organization, saying, ''European nations are our most sophisticated and important counterterrorism partners, and together we must make it clear that we will not tolerate Hizballah's criminal and terrorist activities.'': Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the governments of Europe and the European Union to designate Hizballah as a terrorist organization so that Hizballah cannot use the territories of the European Union for fundraising, recruitment, financing, logistical support, training, and propaganda;

(2) urges the governments of Europe and the European Union to impose sanctions on Hizballah for providing material support to Bashar al Assad's ongoing campaign of violent repression against the people of Syria;

(3) expresses support for the Government of Bulgaria as it conducts an investigation into the July 18, 2012, terrorist attack in Burgas, and expresses hope that the investigation can be successfully concluded and that the perpetrators can be identified as quickly as possible;

(4) urges the President to provide all necessary diplomatic, intelligence, and law enforcement support to the Government of Bulgaria to investigate the July 18, 2012, terrorist attack in Burgas;

(5) reaffirms support for the Government of Bulgaria by the United States as a member of the North Atlantic Treaty Organization (NATO), and urges the United States, NATO, and the European Union to work with the Government of Bulgaria to safeguard its territory and citizens from the threat of terrorism; and

(6) urges the President to make available to European allies and the European public information about Hizballah's terrorist activities and material support to Bashar al Assad's campaign of violence in Syria.

## IN-HOME MEDICARE COVERAGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1845, which was received from the House.

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

The legislative clerk read as follows:

A bill (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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1845) was ordered to a third reading, was read the third time, and passed.

## APPOINTMENTS AUTHORITY

Mr. REID. I now ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

## SIGNING AUTHORITY

Mr. REID. I ask unanimous consent that from Friday, December 21 through Thursday, December 27, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

## ORDERS THROUGH THURSDAY, DECEMBER 27, 2012

Mr. REID. First of all, I appreciate the Presiding Officer filling in on an emergency basis to preside. It is not often we get one of the senior Members of the Senate to preside and I am grateful. It makes it so much easier on everyone else.

I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Monday, December 24, 2012, for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until 10 a.m. on Thursday, December 27, 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 H.R. 5949, the FISA bill, and Senator WYDEN be recognized; further, that the previous order be amended so that there be up to 7 hours of debate on the bill—that is the FISA bill—and all other provisions to the previous order remain in effect.

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

## PROGRAM

Mr. REID. Mr. President, we have been able to work things out, I hope, to everyone's satisfaction. We are going to have a rollcall vote early in the day on Thursday. It will be at 5:30 p.m. on Thursday. It will be in relation to the FISA bill or the supplemental appropriations bill.

## ADJOURNMENT UNTIL MONDAY, DECEMBER 24, 2012

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Monday, December 24, 2012, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate:

FEDERAL LABOR RELATIONS AUTHORITY

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2017. (REAPPOINTMENT)

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2014. (REAPPOINTMENT)

## DISCHARGED NOMINATION

The Senate Committee on Veterans' Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

WILLIAM S. GREENBERG, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

## CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE FRIDAY, DECEMBER 21, 2012:

THE JUDICIARY

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.

JON S. TIGAR, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

WILLIAM S. GREENBERG, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.