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Senate

The Senate met at 10 a.m. and was called to order by the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota.

PRAYER

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

Let us pray.

Our Father in Heaven, thank You for this opportunity to commune with You. Inspire our lawmakers to daily create time when they can meet with You. Lord, keep them from becoming discouraged by the difficulty of achieving their goals, knowing that You monitor their efforts and will reward their faithfulness.

Help us all to pause and be grateful for all the blessings we receive from You each day. May we never take for granted the blessings of life, salvation, sunshine, flowers, and countless other gifts from You. Alarm us with disappointment in our souls if what we planned is less than Your best. And, Lord, we ask You to bless Francis, the new Pontiff of the Roman Catholic Church.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HEIDI HEITKAMP 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HEITKAMP thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 933. There will be an hour of debate equally divided and controlled on the Harkin amendment. At 11:15 this morning, or approximately 11:15, there will be a rollcall vote on the Harkin amendment. We will continue to work through the amendments to the bill throughout today's session. Senators will be notified when votes are scheduled.

Last night I filed cloture on the substitute amendment and the bill. As a result, the filing deadline for all first-degree amendments is 1 p.m. today.

MEASURE PLACED ON THE CALENDAR—S. 558

Mr. REID. I understand S. 558 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 558) to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity outside the United States.

Mr. REID. I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. I thank the Chair.

RECOGNITION OF THE MINORITY LEADER

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

THE BUDGET

Mr. MCCONNELL. Yesterday I asked Senate Democrats to forward a thoughtful budget that Americans of both parties could rally around, one that controls spending, gets our economy healthy again, and advances the serious reforms necessary to make government programs more efficient, effective, and responsive to the needs of 21st-century Americans. I asked them to please shelve the tax hikes. That is because we understand the negative effect more taxes would have on our fragile economy and the millions of Americans still looking for work. It is also because we know Washington Democrats already got $600 billion in taxes they demanded earlier this year. Remember, that is in addition to the

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more than $1 trillion they got in taxes from ObamaCare as well. So now it is time for the balance they promised. Washington does not need to tax more; it needs to finally figure out how to spend less.

I said that these things were the least Senate Democrats owed the American people, given their lack of responsibility in not producing a budget for the last 4 years. I am sorry to report that the plan they put forward yesterday will do none of these things. Instead of getting Washington spending under control, their proposed budget doubles down on the same wasteful stimulus spending we already know does not work. We have tried that. In fact, at a time when Americans believe that about half of every dollar they send to Washington is wasted, the Democratic budget would increase spending by nearly 62 percent. Their budget will do more to harm the economy than to help it, and it will let Medicare and Social Security drift ever closer to bankruptcy.

Then there is the Democrats' $1.5 trillion tax hike—that is trillion with a ''t.'' Let me repeat that. Any Senator who votes for that budget is voting for a $1.5 trillion tax hike—the largest tax hike in America's history. So the Senate Democratic budget is more than just disappointing, it is extreme. It is really one of the most extreme, most leftwing budgets of the modern era.

I think it says something about today's Washington Democrats. There was a time when the Democratic Party cared about fiscal responsibility, when Democrats understood the need to be concerned about the impact their policies would have on hard-working taxpayers, a time when they would have rejected this budget as a joke. But those voices of reason have been mostly chased out of today's DC Democrats. The few who remain have been sidelined and silenced throughout the budget process. Even the chairman of the Finance Committee has been pushed aside so his fellow Democrats can quickly ram through their massive tax hike.

It will be no surprise to hear that my conference opposes a leftwing manifesto masquerading as a responsible budget, and when Americans get a chance to digest their budget and the one House Republicans put forward earlier this week, they will see some very clear differences between a budget that balances and one that enshrines waste and cronyism; between a budget that helps bring the economy back to health and one that kills jobs; between a budget that measures compassion in how many people it helps and one that counts compassion in how many hard-earned tax dollars are sent to Washington for politicians to waste; between a budget that strengthens Medicare and one that would put Medicare even further out of reach for future generations. In short, they will see a bold, reformist Republican budget centered on their needs and an extreme Democratic budget centered on the needs of Washington bureaucrats and politicians.

I hope Senate Democrats think again before they choose to push such an extreme budget forward because I think they will find that Americans agree with Republicans on the most important point: We need to grow the economy, not the Government.

TRIBUTE TO JOHN MCCAIN

Mr. MCCONNELL. Madam President, more than four decades ago, millions of people watched in awe as Neil Armstrong took his first steps on the Moon. I remember that day still, and I am sure many of you do. It remains one of our country's proudest moments. But not every American was able to share in the excitement. As the senior Senator from Arizona put it, when the momentous event occurred, I had no idea it was happening. I and several hundred comrades were otherwise engaged. That is because 2 years earlier, on his 23rd bombing run over Vietnam, a missile hit Lieutenant Commander MCCAIN'S plane. He ejected, his body spiraling through the air until it hit water thousands of feet below—a lake right in the center of Hanoi.

An angry mob set upon him. They ripped off his clothes; they hit, kicked, and spat upon him. They bayoneted his ankle and his groin. The Senator was left with two broken arms and a broken leg, and he passed sort of in and out of consciousness. But he has never forgotten what came next, when Vietnamese forces gathered him up and took him to the so-called Hanoi Hilton. As the massive steel doors locked shut behind him, Senator MCCAIN said he felt ''a deeper dread than [he has] ever felt since.''

He would remain an enemy captive for the next 5½ years, cut off from family and friends, from even the simplest joys of life, things you and I take for granted: the aromas of Thanksgiving, the far-away thrill of cheering a hometown team on to victory, the sounds that let us know the world around us is alive with action, with movement, with hope. But JOHN MCCAIN never lost hope even when he was locked in solitary confinement and even when he was tortured. His captors poorly cast his broken arms on purpose. They broke an arm again and hung the young captive by his lifeless limbs so they could torture him some more.

Eventually, Vietnamese officials discovered he was the son of a high-ranking Navy officer and offered him a release. He turned their offers down. It was partly because he knew an early release would be used cynically by the Communist propaganda machine but, more importantly, because he refused to skip the line ahead of his fellow POWs.

It is one thing to talk about attributes such as courage and bravery in the abstract, it is quite another to demonstrate those qualities in the most trying of circumstances. It reminds me of an old saying: ''The superior man is modest in his speech but exceeds in his actions.'' That kind of man—well, that is just who JOHN MCCAIN is.

His campaign motto in 2008 was ''Country First.'' For some politicians that might have been just a slogan, but for my colleague from Arizona I know it was authentically and truly him. Senator MCCAIN still wears the scars of his long detention. He cannot raise his arms above shoulder level. One of his legs still has not fully healed. I can only imagine the weight of the memories he still must carry with him. Yet he endures—a man who has always seen his life in service, transformed from a captive of the enemy into a servant of the people.

For more than 30 years he has represented Arizona with great distinction, in both the House and Senate. He is a valued member of the Senate Republican Conference, especially when it comes to issues he cares about most passionately—defense being at the top of the list. As someone who experienced the horrors of war in the truest sense, he understands what it means to send young Americans into harm's way, and he never takes those decisions lightly.

Because he knows what it means to be in chains, he also understands what it means to be free. He was able to leave his prison behind, but for millions around the world there is no escape from suffering and despair. That is why Senator MCCAIN has always been so outspoken about his view of the responsibility we, as a free people, have to help others secure their own liberty, whether in Pyongyang, Libya, Damascus, or—a cause close to my own heart as well—Burma.

He has been absolutely unafraid to take unpopular and sometimes solitary stands on issues when he believes in the cause. He never wavered in his support for the surge in Iraq, for instance, even when others said it would take a ''willing suspension of disbelief'' for the policy to succeed, but it did. That is why when he speaks, others listen—even when they may not agree with him.

Senator MCCAIN provides a unique and much needed perspective in the Senate, and we are fortunate to have him as our colleague. He certainly knows I am grateful for his contributions. Let's take a moment today to mark the 40th anniversary of Senator MCCAIN's release from captivity and to thank him for his sacrifice on behalf of all of us for enduring the unendurable, for keeping faith with his fellow POWs, and for believing in our country when others had given up hope. We honor him for his service, service that began as a plebe so many years ago, and service that continues today as a Member of the Senate.

We thank you, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I am grateful for the kind words and sentiment expressed by my leader Senator MCCONNELL, and I appreciate very much his kind remarks. On this anniversary day, I still think the greatest honor of my life was the privilege of serving in the company of heroes who inspired all of us to things that otherwise we may not have been capable of. It has been a great honor for me to serve with Senator MCCONNELL as my leader in the Senate. On this particular day, I appreciate his very kind sentiments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what a wonderful speech. I am proud to serve with Senator MCCAIN. America has so few heroes. America needs all the heroes we can get, and people whom we can identify with—not comic book figures wearing weird costumes. There are men and women who put themselves in harm's way and do daring and dashing things for the good of other people, and it is just an honor. We have our dustups, but that is part of the fun.

I just want to salute Senator MCCAIN in the warmest and most sincere way. God bless Senator MCCAIN, and we wish him good health—and even a good voice and occasionally a good amendment. Again, it is an honor.

If I might speak to the Republican leader, I am so glad Senator MCCONNELL did this today because I think we need to take a pause to understand why we are in it together, why we should respect each other, work with each other, and take a moment or two to recall a great story about a great hero.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Maryland. I can assure her that if she and I had served together in that place faraway, she would have been a very tough and courageous resister.

Ms. MIKULSKI. I thank the Senator.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 933.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 933) to make appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

Pending:

Reid (for Mikulski-Shelby) modified amendment No. 26, in the nature of a substitute.

Harkin-Cardin amendment No. 53 (to amendment No. 26), of a perfecting nature.

Inhofe amendment No. 29 (to amendment No. 26), to prohibit the expenditure of Federal funds to enforce the spill prevention, control, and countermeasure rule of the Environmental Protection Agency against farmers.

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

Ms. MIKULSKI. Madam President, I have a unanimous consent request that I understand has been cleared on both sides of the aisle.

I ask unanimous consent that it now be in order for Senator COBURN to call up his amendment numbered 66; that there be 60 minutes equally divided in the usual form for debate on the Harkin and Coburn amendments to run concurrently; and that upon the use or yielding back of time, the Senate proceed to vote in relation to the Harkin and Coburn amendments in the order offered; that there be no amendments in order to either amendment prior to the votes; and both amendments to be subject to a 60-affirmative-vote threshold.

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

Ms. MIKULSKI. Madam President, I note that the Senator from Oklahoma is on the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

AMENDMENT NO. 66 TO AMENDMENT NO. 26

Mr. COBURN. Madam President, I ask that the pending amendment be set aside and amendment No. 66 be called up.

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

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 66.

The amendment is as follows:

(Purpose: To temporarily freeze the hiring of nonessential Federal employees)

At the appropriate place, insert the following:

SEC. ____. FREEZE ON HIRING OF NONESSENTIAL FEDERAL EMPLOYEES.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under division A, B, C, D, E, or F of this Act may be used by any Executive agency (as defined under section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office) to hire any new employee.

(b) EXCEPTION.—Subsection (a) shall not apply to the hiring of an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

Mr. COBURN. Madam President, this is a fairly straightforward amendment. It actually follows the guidelines of the recommendations of the Office of Management and Budget. The administration claims that during this sequestration period we will have to furlough essential workers, which will negatively impact the daily lives of the American people.

Despite dire warnings to cut TSA agents—by the way, Director Pistole thinks they will be just fine, which is totally opposite of what the rest of the administration has said. Air traffic controllers, food inspectors, and thousands of new Federal jobs have been posted since the sequester went into effect.

Let me spend a minute on this issue. Since the sequester has been in effect, the Department of Treasury is looking to hire a leadership development specialist with a salary of $182,000. The FDA advertised for a social media management service to streamline management of multiple social media platforms. There are 23 openings on the Federal jobs list for recreation, which includes: recreation aide, recreation specialist, and recreation assistant. The Air Force is looking to hire several full-time painters. There is a search to pay $165,000 for a director of history and museum policies and programs.

The list continues: The Department of Treasury is currently advertising for an outreach manager. The Department of Labor is looking for a staff assistant at $81,000 a year to answer the phone. There is a search for a policy coordinator for the Department of Health and Human Services to attend and facilitate meetings at $81,000 a year. There is an opening for a director for the Air Force history and museums policies and programs at $165,000 a year. There is another opening for an analyst for the Legislative Affairs Office at the Marine Corps for $90,000 a year. The Department of Agriculture is looking for a director of the government employee services at a range of $179,000 a year.

There is an opening for counsel for the Morris K. Udall Scholarship Foundation at $155,000 a year, an opening for an executive assistant at the Department of Agriculture Forest Service to prepare itineraries for travel plans, an opening for an executive staff officer for the Air Force to represent the director of staff at meetings to write draft reports and memos at $93,000.

These are all nonpriority hirings at a time when we are in sequester. What this amendment would do is simply implement OMB's guidance and freeze hiring for nonessential Federal positions during sequestration but still allow hiring of employees defined by the Office of Personnel Management as exempted or emergency personnel.

If this amendment does not freeze hiring of exempted or emergency employees as defined by OPM—and we all know what that means—there is also an exemption in here that gives agencies the flexibility to know which positions are critical to performing duties and allows their progression.

Right now the agencies are not following OMB's guidance. We hear about possible furloughs, but a good portion

of those furloughs would never be necessary if, in fact, the agencies would follow OMB's guidance. The government is seeking to hire travel specialists, recreation aides, public affairs specialists, outreach managers, librarians, historians, administrative assistants, and many other nonessential positions.

The Department of Health and Human Services has posted a job opening for a travel specialist with a salary of $97,000 a year, and the job is to obtain domestic and international travel for HHS officials. It is not essential to their overall mission and actually facilitates more travel, which is one of the things also recommended by OMB in their guidance that they are not to do.

All we are saying is follow the OMB guidance in freezing nonessential new hiring and we could prevent furloughs to the government workers carrying out essential services and mission-critical duties today.

I have no question that some of these positions can be helpful to the agency which they have advertised for, but they are not necessary at this time until we get past this pothole in the road. Canceling job openings at the FAA of two community planners and four management program assistants would spare 1,000 air traffic controllers from furlough. Let me say that again. Just canceling and not hiring these four people at FAA could affect 1,000 Federal employees. Canceling just one job opening for a librarian at the Department of Agriculture could offset one furlough a day for as many as 750 entry-level workers at the Department of Agriculture.

What we are asking is simply for the agencies to follow the guidance that has already been out there, and we would mandate that as part of this continuing resolution omnibus appropriations bill.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Coburn amendment. I am not going to go into the process of wanting to keep the bill as free of amendments as possible which has been something the House has requested us to do. This is the continuing resolution. It is not the authorization legislation and so on. We have to get this funded for the rest of the fiscal year 2013.

I wish to comment about the Senator from Oklahoma in that he is often on to something very good. Sometimes we are so worried about clinging to party positions we don't listen to one another. He has been a big help to me on my Commerce-Justice-Science bill, where we uncovered just ridiculous catering situations, and we had a very good amendment one time that addressed an agency paying $4 for each meatball at some reception. I mean, truly folly, truly stupidity. So at this time, whether it is big government or small government but smart government, we do have to have a sense of frugality.

However, I will come back to this: The Coburn amendment would propose a hiring freeze on all Federal employees except those deemed essential.

In late February, OMB issued guidance instructing agencies to apply increased scrutiny to areas such as new hiring and to ensure that such actions were taken only when vital to carrying out the agency's mission as a result of the uncertainty in terms of agencies facing a possible government shutdown on March 27 and the Draconian sword of sequester that is already underway. The Coburn amendment would force agencies to rely on contracting out functions the Federal Government should be handling or that are more expensive to outsource simply because they are not allowed to hire necessary staff.

We can debate essentials, but we are not going to do that this morning. What is an essential Federal employee? I have close to 300 people working as Federal prison guards in Garrett County this morning. They have increasingly violent prisons. We are increasingly overcrowded because of the skimpy funding that even I and the Justice Department have to put into the prisons. We had a prison guard killed just a few weeks ago in our neighboring State of Pennsylvania.

In any organization, whether it is a Federal agency or Microsoft, there might be a position we don't want or need or when we hear about it, it seems to have no value. Let's take the travel specialist. I am not standing here with a manual of all the civil service jobs, but here is what I think a travel specialist does.

The Department of HHS has to travel, whether it is the CDC, whether it is NIH. They are involved with other agencies in other parts of the country and they are involved with counterparts in other parts of the world. They have to get the best deal when they travel. How many of us, when we have tried to book an airline—booking an airline is similar to commodity trading; one day it is this, one minute it is that if I call Delta. Maybe American is going the way I want to go, but they only land at 7:17, when I have to be there at 12:14. So it is akin to being a commodity trader. Should Sebelius be doing that on her own? I don't think so. Should the head of CDC be doing that? No. They need a travel specialist who knows how to work it and maybe, in the long run, provide safe travel.

I support the direction the Senator is going in. He told me something I didn't know about, where some of these VA international conferences take over 50 people, for which I don't know what more than 50 people would do. So he is on the right track with many things. I think we have to be very careful when we are dealing with the entire civil service—millions of people, 2 million people who work for the Federal Government—and put a freeze on them. Some Federal agencies have had a hiring freeze for some time. The Department of Defense is already under a civilian hiring freeze.

It is important to recognize a hiring freeze would only have limited savings. A hiring freeze does not solve these problems, and it is just one more blow to a battered civil service. Remember, we have had civil service pay freezes in effect. So we have now frozen their pay for several years. They are facing increased costs in their pension program and now they are going to face furlough, and then we are going to tell them we don't think a lot of you are essential.

I come back to what I said a few days ago. If we are going to have a democratic government, we need to have an independent civil service. We might not always like what they do. We might not like every position that is in an agency. We need a civil service that goes beyond party, goes beyond the administration, and performs their jobs based on educational qualification and a skill set, and one that is meritocracy based. We then can focus on making sure we have the best civil service in the world so we can point to what a real civil service is; thereby, encouraging new, emerging democracies to be able to follow our lead.

I hope we do not accept the Coburn amendment. I hope if we are going to talk about the size of the government, we should do that next week on the budget bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. First of all, I am so excited with the chairman and ranking member of the Appropriations Committee. I have to say, since I have been in the Senate, I have found these two individuals more than capable to work with and more than willing to work with me and I wish to congratulate them on bringing their bill to the floor.

I have to very adamantly disagree because I think the chairman of the committee has missed my point. Every American family over the last 5 years has been making tough decisions about priorities. By not hiring some of what most Americans—a wall can get painted 6 months later. It doesn't have to be painted today. As a matter of fact, if we go over to all the Senate and House office buildings, we see the Architect of the Capitol repainting all the walls, with wet signs out there, while we can't let the visitors into our buildings. There is something wrong with us in the way we are managing. We are painting walls that don't have to be painted at the same time we make citizens wait in line for an hour and a half to get into our buildings.

It is about priorities. The fact is, if we don't fill some of these superfluous positions that are not absolutely necessary right now, many Federal employees will not get furloughed. That is the point I am making. I can't believe

we have to have a research librarian right now at the Air Force at a time when we don't have the money to put our pilots in the air to keep them trained.

So we are not talking about essential employees. By the way, essential and excepted employees are prison guards. Not one of them will be furloughed. So if we care about Federal employees, we do not want to spend money on positions that are truly not necessary right now, given the priorities, so the rest of the Federal workforce can be there.

Let me go back through this list again. Is it important to hire a lawyer for the Morris K. Udall Scholarship Foundation at a salary of $155,000 right now? Is that important? How many people in the Federal Government would that keep from being furloughed and the services continue if we don't fill that position? How about an executive assistant to the Department of Agriculture Forest Service to prepare itineraries and briefing and information material packages at $57,000.

What we don't get is all the rest of America is doing this already and now the OMB has recommended we do it and the agencies will not do it. We ought to tell them to do it for the benefit of the Federal employees who are working for us right now because they are the ones who are going to get furloughed. By not hiring these absolutely—I don't doubt they are positions we can use and are effective in many areas, but they are not a priority right now. I would think the priority right now would be having the people we have employed working.

How about a leadership development specialist at Treasury; is that really a priority right now, at $182,000 a year? That is a priority, while laying off IRS employees so people get their refund back? Tell me which one is more important. I would think the American taxpayers would rather get an answer than a busy signal when they call the IRS versus us hiring a leadership development specialist. There are 23 openings related to recreation at the FDA right now—for recreation. Is that truly a priority for us right now?

We have a 60-vote limit on this. I am fine with a 60-vote threshold. But America is going to vote 80 percent or 90 percent with what I am recommending. We have a 60-vote threshold so we can make sure it doesn't happen, so we don't apply priorities, so we don't apply common sense, and everybody knows that if this was at a 50-vote margin, it would fly through here. The reason it is 60 is so we can protect people politically and not do the best right thing for America.

This bill is going to go through here. We are going to pass it. The government isn't going to be shut down. We are going to conference it and get it worked out. Senator SHELBY and Senator MIKULSKI will get that job done. We have absolute confidence in them.

This isn't a deal killer; this is common sense. This is what every business, every family in America is doing right now. They don't spend money they don't have on things that aren't absolutely necessary, and that is all this amendment does.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes.

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

Mr. HARKIN. Mr. President, the first amendment vote today will be on the amendment I laid down yesterday on the Labor-HHS part of this so-called continuing resolution.

As I pointed out yesterday, the amount of money I am dealing with in my amendment is exactly what is in the CR. There is no additional money in there, but you need to understand whoever negotiated this package kept Labor-HHS, NIH, and others in a CR rather than in a bill form.

Interestingly enough, in the package before us Defense receives a full-length appropriations bill, as well as Homeland Security, Agriculture, Military Construction, Commerce-Justice-Science. They receive a full appropriations bill but not Labor, Health and Human Services, Education and Related Agencies. Interesting.

The one bill which speaks to educating our young, ensuring working families have adequate childcare protection, increasing our medical research to NIH, protecting food safety and drug safety through the Centers for Disease Control and Prevention—this must be on autopilot from last year and the year before. Therefore, my amendment costs exactly what is in the underlying CR.

What is in this amendment was agreed upon by the House Democrats and House Republicans, Senate Republicans, Senate Democrats in our negotiations last December in the Appropriations Committee.

There is a lot of talk about being bipartisan around here. We engaged in bipartisan negotiations last fall. It took us months, and we reached an agreement in December. That is bipartisan work. My amendment mirrors exactly what that agreement was. I am told now all Republicans are going to vote no. Why? Why, I ask?

The Individuals with Disabilities Education Act under the CR contains no increase. Under my amendment, there would be a $125 million increase.

Title I for poor kids in school has a $107 million increase in my amendment and no increase in the underlying bill.

NIH in the underlying bill contains a $71 million increase and under my amendment a $211 million increase.

Childcare in the underlying bill is $50 million and my amendment is $107 million.

AIDS drugs, there is no increase in the underlying bill but a $29 million increase in my amendment.

These are things we hammered out through tough negotiations last December.

I know the Senator from Alabama has said there were some open items we didn't include. No, of course I didn't include open items, because they weren't agreed to. What I have in my amendment is what we agreed to, with one exception. As I said yesterday, there is no additional funding for health care reform, which Republicans are objecting to. It is not in my amendment, and still they are objecting.

Republicans say this amendment will kill the whole package. I must ask why funding these and keeping within the same dollar level as in the underlying bill kills the bill?

Chairman ROGERS, a Republican on the House side, helped negotiate these numbers last December. I hear a lot of talk on both sides of the aisle about how much they support NIH, how much they support biomedical research. I say to my Republican friends, here is the time to prove it, $211 million versus $71 million. There is no increase in my amendment of the underlying bill at all. Because we did a bill rather than a CR, we may move numbers around a little bit.

I want to know, where are the champions of NIH? Where are they? This is the chance to vote on it and not increase spending one single dime.

I would point out a number of medical groups and research groups have endorsed this amendment: the American Cancer Society, the American Dental Association, the American Diabetes Association, the American Heart Association, the Association of American Medical Colleges, BIO, Parkinson's Action Network, and more. Almost 300 patient advocacy groups and scientific societies support this amendment.

I ask unanimous consent a list of these groups be printed in the RECORD.

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

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

GROUPS SUPPORTING HARKIN AMENDMENT

Ad Hoc Group for Medical Research Funding, AIDS Institute, AIDS United, American Association of Community Colleges, American Association of School Administrators, American Cancer Society, American Dental Association, American Diabetes Association, American Federation of Government Employees, AFL-CIO, AFSCME, American Federation of Teachers American Heart Association.

Association of American Medical Colleges, Association of Assistive Technology Act Programs, Association of Community College Trustees, Association of Farmworker Opportunity Programs, BIO, Center for Law and

Social Policy, Child Care Aware of America, Coalition on Human Needs, College Board, Committee for Education Funding, Community Action Partnership, Council for Adult and Experiential Learning, Council for Advancement of Adult Literacy.

Corporate Voices for Working Families, Corporation for a Skilled Workforce, Council for Exceptional Children, Council for Opportunity in Education (TRIO), Council of Chief State School Officers, Council of the Great City Schools, Early Care and Education Consortium, First Five Years Fund, Friends of the National Institute of Dental and Craniofacial Research (FNIDCR), Great City Schools, Insight Center for Community Economic Development, Jobs for the Future, National Association of Community Health Centers (NACHC).

National Association of Federally Impacted Schools (NAFIS), National Association of State Alcohol & Drug Abuse Directors, National Association for the Education of Young Children, National Board for Professional Teaching Standards, National Coalition for Literacy, National College Transition Network at World Education, Inc., National Council for Workforce Education, National Education Association, National Head Start Association, National League of Cities, National Network to End Domestic Violence, National PTA.

National School Boards Association, National Skills Coalition, National Title I Association, National Transitions of Care Coalition, National Women's Law Center, Ovarian Cancer National Alliance, Parkinson's Action Network, PACER Center (Minnesota), Sargent Shriver National Center on Poverty Law, Teach for America, The Corps Network, Trust for America's Health, Wider Opportunities for Women, Zero to Three.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for 2 additional minutes.

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

Mr. HARKIN. Mr. President, again I say why would this amendment kill the bill? It was agreed to by the distinguished chairman of the House Appropriations Committee, Chairman ROGERS, last December. This is what we agreed to. Why is it the one bill in Appropriations which speaks to the human needs of our country, the educational needs of our kids, the scientific and research needs we need for addressing some of our chronic illnesses in this country—why is this bill singled out? Why is it singled out to not have a full-standing bill but must be in the continuing resolution at the same level on autopilot as last year? I submit we can make these decisions. We can decide we are going to do these kinds of increases, keeping within the same dollar level as we have in the underlying bill.

I don't believe this will kill the bill. I believe those who don't want these increases, who don't want to see an increase in NIH will hold us up and say, yes, it will kill the bill. This is an idle threat. That is what it is, simply an idle threat. This is the third year now where they have put these programs on autopilot.

I daresay if we don't do this, this will be the last, we have seen the last of the Labor-HHS appropriations bills ever passed in this body or the other body for many years into the future. We will still be on autopilot. Now is the time to step up, break that trend of putting us on autopilot every year. Now is the time for us to make these decisions. I hope the champions of NIH, who say they are champions of NIH, will step up and support this amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 53 offered by the Senator from Iowa, Mr. HARKIN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—54

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Leahy	Stabenow
Coons	Levin	Tester
Cowan	Manchin	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden

NAYS—45

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

VOTE ON AMENDMENT NO. 66

Under the previous order, the question occurs on amendment No. 66, offered by the Senator from Oklahoma, Mr. COBURN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—45

Alexander	Fischer	McCaskill
Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hagan	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Wicker

NAYS—54

Baldwin	Gillibrand	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Landrieu	Shaheen
Casey	Leahy	Stabenow
Collins	Levin	Tester
Coons	Manchin	Udall (CO)
Cowan	Menendez	Udall (NM)
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murkowski	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MIKULSKI. Madam President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN. Madam President, I ask unanimous consent to speak for up to 2 minutes. After my remarks, I ask that the senior Senator from Arizona be recognized.

Mr. WHITEHOUSE. Madam President, I ask that I be recognized when the senior Senator from Arizona has finished his remarks.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. BROWN. Madam President, I don't yet want to call up my amendment—I have been working with Chairman MIKULSKI on this—until they get an agreement. However, I will discuss for a moment amendment No. 83, which I am cosponsoring with Senator ISAKSON of Georgia. It does help us restore what Senator MIKULSKI has been working toward, which is regular order in this Chamber.

This is an amendment having to do with some language dealing with a

pilot project with customs and privatization that Senator LANDRIEU has supported. I have spoken to Senator LANDRIEU about this issue, and we need to talk through some other things. If we are going to do regular order the way we need to, this language should come in front of the Finance Committee to work out these issues, where Senator ISAKSON and I sit. I think we should not succumb to the temptation to legislate through appropriations, and this would be one way of doing that.

Later I will ask my colleagues to support amendment No. 83, sponsored by me and Senator ISAKSON. I appreciate the forbearance of Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. BROWN. I yield the floor.

Mr. MCCAIN. Madam President, I thank the chairwoman, Senator MIKULSKI, for allowing me to speak as if in morning business.

SYRIA

On March 15, 2011, thousands of Syrian men, women, and children in the city of Deraa gathered together in a public square that is known today as Dignity Square. They came together to peacefully protest against the Syrian regime's decision to arrest and torture a group of 15 teenagers whose crime had been exercising their universally recognized rights to free speech. Their crime was speaking truth to those in power in Syria. They sketched on the wall of their school a statement that remains true in Syria today: ''The people want the regime to fall.''

Since these peaceful calls for change were first heard in Syria 2 years ago, more than 70,000 men, women, and children have been massacred by the Assad regime. More than 1 million refugees have fled their country at a rate of 8,000 people each day as of last month, and 2.5 million people have been displaced within their country. Only the genocide in Rwanda and the first Iraq war have driven more people to refugee status over a similar period of time.

These facts and figures are startling. Behind each statistic is a profound human tragedy to which we cannot grow numb as the conflict in Syria presses on into a third year. I certainly cannot.

Last April Senator Joe Lieberman and I visited a Syrian refugee camp in southern Turkey, and earlier this year I traveled together with Senators WHITEHOUSE, AYOTTE, BLUMENTHAL, and COONS to the Zaatari refugee camp in Jordan. I have seen my share of suffering and death, but the horror I saw in those camps and the stories I heard still haunt me today. There were men who had lost all their children, women and girls who had been gang-raped, children who had been tortured, and none of these were the random acts of cruelty that sadly occur in war. Syrian Army defectors told us that killing, raping, and torture was what they were instructed to do as a tactic of terror and intimidation. So if I get a little emotional when I talk about Syria, that is why.

The cost—both strategic and humanitarian—of this conflict has been and will continue to be devastating. Earlier this week UNICEF released a report detailing the impact of Syria's 2-year conflict on the children of Syria. The report states:

> In Syria, children have been exposed to grave human rights violations, including killing and maiming, sexual violence, torture, arbitrary detention, recruitment and use by armed forces and groups, and exposure to explosive remnants of war. . . . As millions of children inside Syria and across the region witness their past and their future disappear amidst the rubble and destruction of this prolonged conflict, the risk of them becoming a lost generation grows every day.

The conflict in Syria is breeding a lost generation—a whole new generation of extremists. Earlier this year I met a Syrian teacher in the Zaatari refugee camp in Jordan who told me that the generation of young Syrians growing up in these camps and inside Syria will take revenge on those who did nothing to help them in their hour of greatest need. We should be ashamed of our collective failure to come to the aid of the Syrian people. But more than that, we should be deeply concerned. As much as I want to disagree with that Syrian teacher, I am haunted by the belief that she is exactly right.

As the conflict of Syria enters its third year, we cannot lose sight of the clear trend toward escalation both in the nature and quality of the killing. In recent months the use of SCUD missiles against civilians fits into a pattern of forced escalation by the Assad regime over the past year.

In January 2012 the regime began to use artillery as Syrian opposition forces became more capable against regime ground forces. In June 2012 Assad escalated his use of air power because the rebels were gaining control of the countryside. Today the regime is intensifying its air campaign by firing SCUD missiles at civilian populations, which is taking a deadly toll, particularly in the north where thousands of civilians have been killed over the past several weeks.

The regime's escalation to Scud missiles—which can be used as delivery vehicles for chemical weapons—should be alarming to us all. According to a recent report from the Washington Institute for Near East Policy, Scud missiles can deliver a 1,000-pound, high-explosive warhead or a chemical agent and, as the report states:

> The rebels have no means of knowing when the missiles have been fired, where they are going, or what kinds of warheads are on board. In fact, even with good intelligence collection, there is no reliable way to know which Scuds have been uploaded with chemical warheads.

Let there be no doubt that the threat of chemical weapons is real. I note this morning's headline from the Associated Press: ''Israel's Military Intelligence Chief says Syria's Assad readying to use chemical weapons.''

I ask unanimous consent that this article from the Washington Post be printed in the RECORD.

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

ISRAEL'S MILITARY INTELLIGENCE CHIEF SAYS SYRIA'S ASSAD READYING TO USE CHEMICAL WEAPONS

(By Associated Press)

[From the Washington Post, Mar. 14, 2013]

JERUSALEM.—Israel's military intelligence chief says Syria's embattled president, Bashar Assad, is preparing to use chemical weapons.

Maj. Gen. Aviv Kochavi told a security conference in the coastal town of Herzliya that Assad is stepping up his offensive against rebels trying to oust him.

Kochavi claims Assad is making advanced preparations to use chemical weapons, but has not yet given the order to deploy them.

He did not disclose information about why he thinks Assad is preparing to use them.

Israel has long expressed concerns that Assad's stockpile of chemical weapons could end up in the hands of groups hostile to Israel like Hezbollah or al-Qaida inspired organizations.

Israel has kept out of Syria's civil war, but it is concerned that violence could spill over the border into northern Israel.

Mr. MCCAIN. This is a dangerous and unfair fight, and the costs to the United States are significant. Russia and Iran are Assad's lifelines in this brutal fight. Iran continues to use Iraqi airspace to fly fighters and large quantities of weapons to Syria to help Assad with the killing. As many as 50,000 Syrians, militiamen, in Syria are being supported by Tehran and Hezbollah, according to a Washington Post report. Meanwhile, Russia continues to ship heavy weapons to Assad—including, as senior Obama administration officials have stated, the very helicopter gunships the regime is currently using to bomb and shatter civilians.

As the United States and the international community stand idle, the consequences are clear. Syria will become a failed State in the heart of the Middle East, threatening both our ally Israel and our NATO ally Turkey. With or without Assad, the country will continue to devolve into a full-scale civil war that is increasingly sectarian, repressive, and unstable. In the meantime, more and more ungoverned space will come under the control of al-Qaida and its allies. Violence and radicalism will spill even more into Lebanon and Iraq, fueling sectarian conflicts that are still burning in both countries. Syria will turn into a battlefield between Sunni and Shia extremists, each backed by foreign powers which will ignite sectarian tensions from North America to the gulf and risk a wider regional conflict. This is the course we are on in Syria, and in the absence of international action, the situation will only get worse.

Although Secretary Kerry and other administration officials have said our goal in Syria is to ''change Assad's calculus'' and make room for a negotiated transition, the truth is, in the absence

of a shift in the balance of military power on the ground, that is a hopeless goal. What the administration does not seem to realize is what President Bill Clinton came to understand in Bosnia—that a diplomatic resolution in conflict such as this is not possible until the military balance of power changes on the ground. As long as a murderous dictator, be it Slobodan Milosevic or Bashar al-Assad, believes he is winning on the battlefield, he has no incentive to stop fighting and negotiate.

Our European powers—led by the French and British—seem to understand this clearly, which is why they are urgently working to persuade their allies to lift an embargo to supply arms to the Syrian opposition. They understand that only a change in military power will bring this conflict to an end.

The same is true for the regime's foreign supporters. Despite destroying Russia's reputation in the Arab world, the Russian Government has stuck with Assad for nearly 2 years now. What makes us think President Putin is about to change course now, when Assad is still a dominant power on the ground?

The Syrian opposition needs our help to change the balance of power on the ground. I have had the honor of meeting one of the key leaders of the Syrian opposition led by a man named Sheikh al-Khatib, the President of the Syrian National Coalition. Sheikh al-Khatib and the national coalition are doing everything the international community asks of them. They have worked to bring together credible moderate members of the Syrian opposition. They are building institutions, both civilian and military.

While the United States and our partners deserve credit in helping and pushing them to do so, when the opposition coalition asks responsible nations for support—when they ask us to help them in coordinating the distribution of aid, governing the liberated areas, and ultimately forming a transitional government—when they have asked us for this assistance, what have we done for them? Next to nothing.

Sheikh al-Khatib and the other moderate leaders of the Syrian opposition are struggling desperately to be relevant to their fellow citizens who are fighting and dying every day inside the country. I believe most Syrians do not support al-Qaida. But many of us in the West are still mired in our own internal debates about whether to provide nonlethal assistance or whether to continue to provide assistance through international NGOs—many of which, I would add, still function with the permission of the Assad regime and deliver most of their aid in Damascus—the fight in Syria is being won by extremists.

Al-Qaida fighters are showing up in greater numbers in the liberated areas of Syria with capable fighters and food and medicine and other aid. Is it any wonder, then, that extremists are gaining ground in Syria?

It is this simple: What is left of the moderate Syrian opposition is in a race against time to survive the radicalization of this conflict and, right now, the world is failing them. The longer we fail them, the worse the outcome will be for us all.

The time to act is long overdue, but it is not too late. I know many wish to avoid this reality by telling themselves and others there is nothing we can do in Syria, that our only options are to let the Syrians fight it out alone to the bitter end or to launch a massive and costly military intervention. But the truth is there are many options that we have the capability to undertake that would save lives and protect our important strategic interests in Syria.

First, the fact that the opposition in Syria is doing better militarily thanks to external support seems to validate what many of us have been arguing for months; that opposition forces have enough organization to be supportable and that our support can help them to further improve their organization and command and control. This is an argument for doing more, not less, to aid the rebel fighters in Syria, including providing responsible members of the armed opposition who share our goals and our values with the arms they need to succeed.

In a hearing of the Senate Armed Services Committee last month, I asked Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff Martin Dempsey whether they agreed with a proposal reportedly developed by former Secretary of State Hillary Clinton and former CIA Director David Petraeus last summer to have the United States arm and train members of the Syrian opposition. I was very pleased to hear both Secretary Panetta and Chairman Dempsey state that they supported this proposal which, unfortunately, was refused by the White House. What this means is that the President overruled the senior leaders of his own national security team who were in unanimous agreement that America needs to take greater action to change the military balance of power in Syria.

Beyond providing arms to the opposition, we have other capabilities at our disposal that could make a decisive difference on the ground and save lives. I will give just two examples. NATO has deployed PATRIOT missile batteries in Turkey that are capable of shooting down Syrian aircraft as far south as Aleppo. We could establish a limited no-fly zone using these systems and, believe me, after the first few Syrian aircraft are shot down, I doubt Assad's pilots will be lining up to fly missions anymore. Another option would be to destroy Assad's aircraft on their runways with cruise missiles and other standoff weapons. Either way, we can take Syrian air power off the table.

Once defended, these safe havens could become platforms for increased deliveries of food and medicine, communications equipment, doctors to treat the wounded, and other nonlethal assistance. They could also serve as staging areas for armed opposition groups to receive battlefield intelligence, body armor, and weapons—from small arms and ammunition to antitank rockets—and to train and organize themselves more effectively, perhaps with foreign assistance. The goal would be to expand the reach of these safe havens across more of the country.

Would these actions immediately end the conflict? No. But would they save lives in Syria? Would they give the moderate opposition a better chance to succeed and marginalize the radicals? Would they help the West regain the trust of the Syrian people? Do we have the capability to make a difference? To me, the answer to all these questions is clearly yes. Yes, there are risks to greater involvement in Syria. The opposition is still struggling to get organized. Al-Qaida and the other extremists are working to hijack the revolution, and there are already reports of reprisal killings of Alawites. These risks are real and serious, but the risks of continuing to do nothing are worse.

What is needed is American leadership. What is needed is a reminder of the words Abraham Lincoln spoke in his annual message to Congress in 1862: ''We—even we here—hold the power, and bear the responsibility.''

As we mark 2 years of this horrific conflict, if there were ever a case that should remind us of this responsibility, it is that of Syria.

A few months ago, The Washington Post interviewed a young Bosnian man who had survived the genocide of Srebrenica in 1995. This is how he sees the ongoing slaughter in Syria:

> It's bazaar how ''never again'' has come to mean ''again and again,'' he said. It's obvious that we live in a world where Srebrenicas are still possible. What's happening in Syria today is almost identical to what happened in Bosnia two decades ago.

He could not be more correct. The conflict in Syria today is nearly indistinguishable from that in Bosnia during the 1990s. As Leon Wieseltier wrote earlier this week in ''The New Republic''—I ask unanimous consent that the complete column by Leon Wieseltier be printed in the RECORD.

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

SYRIA, BOSNIA, AND THE OLD MISTAKES

(By Leon Wieseltier)

''One could never have supposed that, after passing through so many trials, after being schooled by the skepticism of our times, we had so much left in our souls to be destroyed.'' Alexander Herzen wrote those words in 1848, after he witnessed the savage crackdown on the workers' rebellion in Paris. Having been disabused by history of any illusions about the probabilities of justice, the great man was surprised to discover that he had not yet been completely disabused—that his belief in the betterment of human affairs, however mutilated by experience, was still intact; and what apprised him of his irreducible idealism was his broken

heart. In 1995, I cited Herzen's pessimistic optimism, or optimistic pessimism, in an angry article about Bosnia and the Western failure there, and glossed the lacerating sentence this way: ''They did not suppose that they had so much left in their souls to be destroyed! What basis for bitterness do those words leave us, who have witnessed atrocities of which the nineteenth century only dreamed, who have watched totalitarian slaughter give way to post-totalitarian slaughter, and the racial and tribal wars of empire give way to the racial and tribal wars of empire's aftermath? But bitterness is regularly refreshed . . .'' Forgive my quotation of myself, but I have been reading in the old Bosnian materials, in the writings of the reporters and the intellectuals who campaigned for American action to stop a genocide. I have been doing so because my Bosnian bitterness has been refreshed by Syria.

I am finding crushing parallels: a president who is satisfied to be a bystander, and ornaments his prevarications with high moral pronouncements; an extenuation of American passivity by appeals to insurmountable complexities and obscurities on the ground, and to ethnic and religious divisions too deep and too old to be modified by statecraft, and to ominous warnings of unanticipated consequences, as if consequences are ever all anticipated; an arms embargo against the people who require arms most, who are the victims of state power; the use of rape and torture and murder against civilians as open instruments of war; the universal knowledge of crimes against humanity and the failure of that knowledge to affect the policy-making will; the dailiness of the atrocity, its unimpeded progress, the long duration of our shame in doing nothing about it. The parallels are not perfect, of course. Only 70,000 people have been killed in Syria, so what's the rush? Strategically speaking, moreover, the imperative to intervene in Syria is far more considerable than the imperative to intervene in Bosnia was. Assad is the client of Iran and the patron of Hezbollah: his destruction is an American dream. But his replacement by an Al Qaeda regime is an American nightmare, and our incomprehensible refusal to arm the Syrian rebels who oppose Al Qaeda even as they oppose Assad will have the effect of bringing the nightmare to pass. Secretary of State Kerry seems to desire a new Syrian policy, but he is busily giving our side in the conflict—if we are to have a side by the time this is over—everything but what it really needs.

We must mark an anniversary. It has been two years since fifteen teenagers in the town of Dara'a scrawled ''the people want the regime to fall'' on the wall of a school, and were arrested and then tortured for their temerity. The protest that erupted in Dara'a, in the area in front of a mosque that was dubbed ''Dignity Square,'' was a democratic rebellion, and it swiftly spread. In Dara'a it was met by a crackdown whose brutalities were documented in an unforgettably chilling report by Human Rights Watch a few months later. Dissolve now to Aleppo in ruins, where the dictator is hurling ballistic missiles at his own population. Two years. The Obama administration may as well not have existed. Though two years into the Bosnian genocide Bill Clinton was still more than a year away from bestirring himself morally and militarily, so what's the rush? Clinton acted after the massacre at Srebrenica. But Syria has already had its Srebrenicas, and Obama is still elaborate and unmoved. He also worries about a Russian response to American action, when Putin's obstructionism in fact perfectly suits Obama's preference for American inaction. People around the White House tell me that Syria is agonizing for him. So what? It is hard to admire the agony of the bystander, especially if the bystander has the capability to act against the horror. Obama likes to drape himself in Lincoln's language, so he should ponder these words, from the Annual Message to Congress in 1862: ''We—even we here—hold the power, and bear the responsibility.'' Obama wants the power but not the responsibility. Unfortunately for him, the one brings the other.

Not even the advent of Barack Obama can abrogate what was learned in Bosnia in the antiquity of the twentieth century: that in the case of moral emergencies, those with the ability to act have the duty to act; that even justified action is attended by uncertainty; that military force can do good as well as evil, and that war is not the only, or the worst, evil; that the withdrawal of the United States from global leadership is an invitation to tyranny and inhumanity; that American foreign policy must be animated by principle as well by prudence, though there is nothing historically imprudent about setting oneself resolutely on the side of decency and democracy. ''How do I weigh tens of thousands who've been killed in Syria versus the tens of thousands who are currently being killed in the Congo?'' Obama recently told this magazine, as an example of how he ''wrestle[s]'' with the problem. Do not be fooled. It is not wrestling. It is casuistry. He has no intention of coming to the assistance of Congo, either. Obama is a strong cosmopolitan but a weak internationalist. And he is, with his inclination to disinvolvement, and his almost clinical confidence in his own sagacity, implicating us in a disgrace, even we here.

Mr. McCAIN. Again, as Leon Wieseltier wrote earlier this week in the New Republic:

I am finding crushing parallels: A President who is satisfied to be a bystander, and ornaments his prevarications with high moral pronouncements; an extenuation of American passivity by appeals to insurmountable complexities and obscurities on the ground, and to ethnic and religious divisions too deep and too old to be modified by statecraft, and to ominous warnings of anticipated consequences, as if consequences are ever all anticipated; an arms embargo against the people who require arms most, who are the victims of state power; the use of rape and torture and murder against civilians as open instruments of war; the universal knowledge of crimes against humanity and the failure of that knowledge to affect the policy-making will; the dailiness of the atrocity, its unimpeded progress, the long duration of our shame in doing nothing about it. The parallels are not perfect, of course. Only 70,000 people have been killed in Syria, so what's the rush?

We must ask ourselves: How many more innocent people must die before we take action?

Amidst these crushing parallels, there is one key difference. In Bosnia, President Clinton finally summoned the courage to lead the world to intervene and stop the killing. It is worth recalling his words upon ordering military action in Bosnia in 1995:

There are times and places where our leadership can mean the difference between peace and war, and where we can defend our fundamental values as a people and serve our most basic, strategic interests. [T]here are still times when America and America alone can and should make the difference for peace.

Those were the words of a Democratic President who led America to do the right thing in stopping mass atrocities in Bosnia, and I remember working with my Republican colleague Senator Bob Dole to support President Clinton in that endeavor.

The question for another Democratic President today, and for all of us in a position of responsibility, is whether we will again answer the desperate pleas for rescue that are made uniquely to us as the United States of America, and whether we will use our great power, as we have done before at our best, not simply to advance our own interests but to serve a just cause that is greater than our interests alone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I take this opportunity to thank Senator McCAIN for his call to our consciences on the massacres in Syria by the tyrant Assad. I thank him for his reminder to us all that in the case of moral emergencies, those with the ability to act have the duty to act, and I thank him for his efforts to call us to that duty.

While he is here on the floor, I would like to also take this chance to join in the warm remarks from colleagues on both sides of the aisle on this 40th anniversary of his release from captivity in North Vietnam—an anniversary that could have come a good deal sooner had he not been so courageously stubborn in refusing to leave his comrades in captivity.

ORDER OF PROCEDURE

Madam President, I ask unanimous consent that the Senate recess following my statement until 2:15 p.m. and that the first-degree amendment filing deadline be at 3 o'clock today.

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

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

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

CLIMATE CHANGE OBSTRUCTIONISM

Mr. WHITEHOUSE. Madam President, I rise today, as I have at least two dozen times in the past year, to say again that it is time for us to wake up to the stark reality of the climate changes carbon pollution is causing.

Elected officials bear a responsibility every once in a while to escape the grip of the polluting special interests and to act in the interests of regular Americans. We need to wake up and start talking about the negative consequences, the harms of climate change. We need to wake up and mitigate—take steps to protect ourselves—and adapt to the consequences that are already hitting our coasts and our forests, our cities and our farms, our economy and our way of life.

But, of course, the climate deniers and the polluters do not want that. The deniers want to prevent discussion of climate change altogether. In the past few years, in this body, climate science has become a taboo topic.

I watched, when my back was out in the last few days, one of the Harry Potter movies on television. Lord Voldemort was called ''He-Who-Shall-Not-Be-Named'' in those Harry Potter stories. Well, carbon pollution is the ''Pollution Which Shall Not Be Named.'' Climate change—the harm that is caused by that pollution—is the ''Harm That Shall Not Be Named.''

The obstructionists want to squelch any discussion of the ''Pollution Which Shall Not Be Named'' so as to let big polluters continue dumping carbon and other greenhouse gas into our oceans and atmosphere.

Take, for instance, the House Select Committee on Energy Independence and Global Warming, created in 2007 as a forum for confronting the economic and security challenges of our dependence on foreign fuels. When Republicans took control of the House of Representatives in 2011, they disbanded that committee. End of discussion.

Between May 2011 and December 2012, our colleagues in the House of Representatives, HENRY WAXMAN and BOBBY RUSH, who were the Democratic ranking members of the Committee on Energy and Commerce and of the Subcommittee on Energy and Power, wrote 21 letters—21 letters—to Chairmen FRED UPTON and ED WHITFIELD requesting hearings on climate change. To date, there has been no response, no hearings. End of discussion.

House Republicans have tried to prevent the Department of the Interior and the Department of Agriculture from funding their climate adaptation plans—commonsense efforts to preserve our resources, protect our farmers, and save taxpayer dollars. But, no, end of discussion.

I am sad to say that it is not just the House of Representatives. In the Senate, in the Environment and Public Works Committee, Democrats have been informed that there will be opposition to any legislation that mentions climate change. It is one thing to want to oppose any legislation that does anything about climate change. This is a further step. The mere mention of climate change is enough to provoke Republican opposition. End of discussion.

The taboo is being applied elsewhere in this Chamber. Just this week a Republican Senator demanded that the following language be stricken from a noncontroversial Senate resolution. We pass resolutions here in the Senate all the time by unanimous consent. A Republican Senator said: No, I am going to withhold my consent. I am going to deny the ability of the resolution unless this offending language is removed. What was the offending language? I will quote:

> [W]omen in developing countries are disproportionately affected by changes in climate because of their need to secure water, food, and fuel for their livelihood.

This body unanimously approved identical language in the last Congress, but today that mention of climate change in an otherwise noncontroversial resolution draws automatic Republican opposition. Again, end of discussion.

And they are not just trying to squelch the legislative branch. In the executive branch, they have tried to defund salaries for White House climate advisers and withhold U.S. funds from the United Nations Intergovernmental Panel on Climate Change. Again, end of discussion.

Now, you might think that in these efforts to attack funding, at least they are motivated by a desire to cut spending. But then what would be the motivation behind House Republicans blocking a no-cost restructuring of the National Oceanic and Atmospheric Administration that would have created a National Climate Service that is akin to the National Weather Service—a simple reorganization that would have centralized information about climate change, information which is in high demand by State and local governments and by the business community? Again, the purpose is obvious: try to end the discussion.

I would remind my colleagues who are trying to silence this discussion with political power that history teaches, quite plainly, that in contests between power and truth, truth always wins in the end. The Inquisition tried to silence Galileo, but the Enlightenment happened anyway, and the Earth does still spin around the Sun.

Chris McEntee, who is the executive director of the American Geophysical Union, said:

> Limiting access to this kind of climate information won't make climate change go away.

And shareholders and directors of corporations should consider what it will mean for the corporations that used their power to suppress the truth once that truth becomes inescapable, once it is undeniable and the denial campaign is seen as a fraud.

This Republican policy of climate change denial is alive and well at the State level too. In 2010 Virginia attorney general Ken Cuccinelli used his powers of office to harass former University of Virginia climatologist Michael Mann and 39 other climate scientists and staff. As a UVA grad, I am proud that the university fought back against this political attack on science and on academic freedom.

Said UVA:

> [The attorney general's] action and the potential threat of legal prosecution of scientific endeavor that has satisfied peer-review standards send a chilling message to scientists engaged in basic research involving Earth's climate and indeed to scholars in any discipline. Such actions directly threaten academic freedom and, thus, our ability to generate the knowledge upon which informed public policy relies.

The victim of this harassment, Professor Mann, was more blunt. He called out this witch hunt as ''a coordinated assault against the scientific community by powerful vested interests who simply want to stick their heads in the sand and deny the problem of human-caused climate change, rather than engage in the good faith debate about what to do about it.''

I would note that the Virginia Supreme Court ruled Attorney General Cuccinelli's so-called investigation groundless. But that was not enough for obstructionists in Virginia. Last year the Republican Virginia Senate struck from a joint resolution titled ''Requesting the Virginia Institute of Marine Science to study strategies for adaptation to relative sea-level rise in Tidewater Virginia localities''—they struck from that title the phrase ''sea-level rise'' both in the title and again in the text of the resolution. News outlets reported—get this—that this was because ''sea-level rise'' was believed to be a ''left-wing term.'' Add ''sea-level rise'' to the ''Harms Which Shall Not Be Named.''

In North Carolina, you can still say ''sea-level rise,'' but you cannot predict it or plan for it. That is because last year North Carolina's Republican-dominated legislature passed a bill requiring, as a matter of law, that North Carolina coastal policy be based on historic rates of sea-level rise rather than on what North Carolina scientists actually predict. This means that even though North Carolina scientists predict 39 inches of sea-level rise within the century, North Carolina, by its own law, is only allowed to prepare for 8. King Canute would be so proud.

Further down, the South Carolina Department of Natural Resources wrote a report more than a year ago on the risks climate change poses to the Palmetto State, but it was never released to the public. The State newspaper managed to obtain a copy of that study. The report calls for South Carolina to prepare for increases in wildlife disease, loss of prime hunting habitat, and the invasion of non-native species. But to Republicans, these are more ''Problems Which Shall Not Be Named.''

In South Dakota, the Republican legislature, in 2010, even passed a nonbinding resolution calling for teaching in public schools that relies on a number of common and thoroughly debunked climate denier claims—in short, bringing climate denier propaganda into public high school science classes.

Who might be behind this concerted effort to make climate science and climate change taboo subjects—''Problems Which Shall Not Be Named''? Well, look at ALEC, the conservative American Legislative Exchange Council, which peddles climate denier legislation and undermines local and national efforts to protect against climate change. Look at ALEC's board of directors, comprised of lobbyists from ExxonMobil, Peabody Energy, and Koch Industries. Look at the array of

bogus denial organizations propped up to create doubt in this debate.

Against this tide of propaganda and nonsense stands States, including Rhode Island, that already cap and reduce carbon emissions. Nineteen States have climate adaptation plans completed or in progress. Thirty-one States have a renewable and/or alternative energy portfolio standard.

Twenty-three States require State buildings to meet Leadership in Energy and Environmental Design or LEED standards.

The obstructionists may be well funded by the polluting special interests, but the majority of the American people—the vast majority of the American people—understand that climate change is a very real problem. They want their leaders to take action. Americans want their leaders to listen to the climate scientists. They want us to plan and to prepare, to limit, to mitigate, and to adapt to the changes that are coming.

Here in Congress it is long past time to move forward with meaningful action. That is why I am working with several colleagues to establish a fee on carbon pollution. As I said in my remarks last week, the idea is a simple one. It is basic market 101, law 101, and fairness 101. If you are creating a cost that someone else has to bear, that cost should be put back into the price of the product.

The big carbon polluters should pay a fee to the American people to cover the cost of their dumping their waste into our oceans and air. It is a cost they now happily push off onto the rest of us, allowing them an unfair and improper market advantage, in effect to cheat against rival energy sources. The deniers want to make this the problem which shall not be named. But I am here to name it, as are many others. I am here to shame them if I can, if shame is a feeling a big corporation can even have. I am here to see to it that we wake up and that we get to work.

I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:02 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Acting President pro tempore (Ms. HEITKAMP).

DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2013—Resumed

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

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 29, AS MODIFIED

Mr. INHOFE. Madam President, I have a modification at the desk to amendment No. 29.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

At the end of title VII of division C, insert the following:

SEC. 17_____. No funds made available under this Act shall be used for a 180-day period beginning on date of enactment of this Act to enforce with respect to any farm (as that term is defined in section 112.2 of title 40, Code of Federal Regulations (or successor regulations)) the Spill, Prevention, Control, and Countermeasure rule, including amendments to that rule, promulgated by the Environmental Protection Agency under part 112 of title 40, Code of Federal Regulations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Ms. MIKULSKI. Madam President, reserving the right to object, I will not, I just want to seek clarification from the Senator from Texas. About how long will the Senator seek recognition?

Mr. CRUZ. I need only 5 minutes.

Ms. MIKULSKI. That is more than agreeable. We know the topic and we are anxious to hear it.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered. The Senator from Texas.

Mr. CRUZ. Madam President, I thank the Senator from Maryland and I ask unanimous consent to speak as in morning business for 5 minutes.

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

TRIBUTE TO JOHN MCCAIN

Mr. CRUZ. Madam President, I note that today is the 40th anniversary of the release of JOHN MCCAIN from a prisoner of war camp in Vietnam. I wanted to take a moment in this body to thank Senator MCCAIN for his extraordinary service to our Nation.

On October 26, 1967, JOHN MCCAIN, then a young man, volunteered to serve his country, to put himself in harm's way. He found himself very directly in harm's way, captured and imprisoned in the infamous Hanoi Hilton and subject to unspeakable torture and abuse.

He did so for our country. He did so for every American. When midway through his imprisonment he was offered early release, JOHN MCCAIN showed extraordinary courage and valor, turning that down, believing it inconsistent with his obligations as an officer.

That is the sort of bravery that those of us who have never endured imprisonment and torture can only imagine. Yet he continued to remain in harrowing circumstances, suffering beatings and abuse that to this day limit his mobility. Forty years ago, JOHN MCCAIN was released, able to come home to America and return a hero. Since that time, since being released from Vietnam, he has been a leader on a great many issues. He has been a public servant in this body and he has repeatedly exemplified courage and integrity. I thought it only fitting that we as a body, I have no doubt, would unanimously agree in commending his valor and integrity and sacrifice for his country and recognize this very important milestone, this 40th anniversary.

I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Madam President, I want to tell my colleagues and anyone watching that just because Senators are not speaking on the Senate floor doesn't mean nothing is going on. I am incredibly impressed by the cooperation on both sides of the aisle as we try to get a finite list of amendments, as well as the proper sequence of those amendments in order to complete the business of moving to the continuing resolution. So there is a lot going on in other offices. These are not back rooms; they are not deal cutting. This is the workman-like way a parliamentary democratic institution does business.

There are Senators who have ideas to improve the bill. Senator SHELBY and I think our bill needs no improvement. We think we ought to just move to it, do it, send it to the House, and avoid any kind of gridlock of a government shutdown. However, Senators do have the right to offer amendments, and they have now offered their amendments. People are scrutinizing the amendments to make sure they understand the policy consequences and also that we don't have unintended consequences. Although it looks as though there is no debate going on here on the floor, there is a lot of discussion going on in Member offices. We hope that in a very short time we will be able to move to amendments so we can discuss and dispose of those amendments in a way that satisfies both parties.

I just wanted people to know that. When we talk to folks back home, they say: I watch C–SPAN, all I hear is Senators' names called out in alphabetical order. They also may know that there might not be an official hearing going on, though we do know some are going on today. I just wanted to talk about some of what is going on and that this is part of the process. This is a big bill, and I hope that a big bill—one that includes every aspect of the Federal

funding—is not done this way in fiscal 2014. I want to continue the cooperation that has begun between Senator SHELBY and myself and the mutual leadership. For the funding bills, we wish to move them in a regular order.

For instance, the two biggest departments are the Department of Defense and Labor, Education, Health and Human Services. We want to go through them and look at what is the appropriate funding level and is there any way we are going to achieve more frugality and more value.

The Senator from Oklahoma is on the floor, and he is my red-team guy. He often takes a look at the bill and has pointed out some things that cause heartburn. This is the way a democracy should work. I want to get back to a regular order where we know what we are doing and the American public understands what we are doing.

We are moving expeditiously. I would dearly love to be able to bring this bill to a closure tonight. I am not sure it is possible. That is why we are scrutinizing and scrubbing these amendments now. We cannot proceed to any other amendments until we see the whole package and look at the best way to organize it and sequence it.

I wanted to share this with my colleagues who are watching from their offices and committee rooms.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I want to compliment the chairman of the Appropriations Committee. She has done a good job. She does want to get back to regular order.

As we can see, nothing has happened. There is a reason nothing has happened. It is not in her control. Nothing is happening because there are a lot of amendments and they are not sure they want to take votes. Rather than the regular process of offering amendments that are germane and agreeing to a 60-vote level for their passage—having had that agreement—now we are not allowed to offer amendments because supposedly somebody has to agree with them.

Well, that is not what the Senate is about. The way we decide whether the Senate agrees to it is to offer the amendment, vote on it, and stand up and defend your vote. It is not the chairman who is doing this, and it is not Senator SHELBY who is doing this, it is the leadership. We were criticized because we wanted to read the bill. We now have amendments. We have been waiting to offer amendments. I waited around here an hour last night to offer amendments, and then I had another commitment so I could not do it. I offered to come over here at 9:30 this morning, and could not do it. We have offered one amendment, and we have five other amendments. We could not get a vote. If we stay in a quorum call, people's business will not get done. People will start to be furloughed in the next 2 weeks, and it is because somebody wants to take away the individual right of a Senator to offer an amendment. We are not postcloture, so even amendments that are not germane are adequate to be filed against this bill.

I have no animus at all against the chairman. I am thankful she is the chairman of the Appropriations Committee. I trust her implicitly to move on regular order. This bill is out of her committee and we need to bring amendments to the floor. The idea that we have to have permission from somebody in the Senate to offer an amendment goes totally counter to what the Senate is all about. We have a lot of problems to solve. We could finish this bill. We are sitting here. I could offer all of my amendments in 15 minutes, and we could stack them and vote on them—60 votes, I don't care.

The fact is we cannot offer an amendment. If I ask to bring up an amendment right now, the chairman has been instructed to object to that. I understand. I will not make her go through that exercise.

I think it is important that the American people know what is going on. It is not out in the open; it is behind the scenes. They are negotiating away amendments so we won't know what could have happened or what might happen. Had we been in regular order, we would have been through with this bill. We are wasting time trying to play behind-the-scenes, nontransparent negotiation about a bill that is vitally important to this country. The process is not working well. I trust the chairman to bring that process back, but she is handicapped by the instructions she has received.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, next week the Senate will for the first time in over 4 years——

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. The CR is on the floor. Does the Senator wish to speak in morning business?

Mr. HATCH. I am sorry, I thought we were in morning business.

Ms. MIKULSKI. How long does the Senator wish to speak?

Mr. HATCH. Approximately 15 minutes. Is that too long?

Ms. MIKULSKI. It could be.

Mr. HATCH. I will withdraw.

Ms. MIKULSKI. Madam President, I note the absence of a quorum so we can discuss how we are going to proceed on the debate.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

THE BUDGET

Mr. HATCH. Madam President, next week the Senate will, for the first time in over 4 years, debate a budget resolution on the Senate floor. While I have many qualms as to the substance of the budget we will be debating, I have to say that in terms of the process, this is a welcome development.

The American people have waited too long for the Senate to fulfill its basic legal obligation to produce a budget every year. Yesterday, with the release of the Democrats' budget plan, that delay officially came to an end.

Of course, now that I have had a chance to look over that budget, my praise for it ends there. The budget we will be debating next week is, to put it bluntly, a cynical political document. It is not designed to address our Nation's pressing fiscal challenges but, rather, it is to provide a Democratic base and have a fresh supply of political talking points.

Rather than addressing our government's problems and runaway entitlements, the Democratic budget contains yet more wasteful spending. In order to pay for that spending, the budget contains what could be around $1.5 trillion in tax hikes, much of which will necessarily impact the middle class and small businesses. It would hijack the bipartisan tax reform efforts currently underway in both the House and Senate by instructing the Senate Finance Committee to abandon these efforts in order to scour the Tax Code for additional revenues to the tune of nearly $1 trillion.

In addition to the reconciliation instructions, the budget includes potentially $½ trillion in additional tax hikes in order to replace the sequester and to offset more stimulus spending.

Even with all of these new revenues in place, the Democratic budget does not balance—not at any point. Under this budget, the government would be still be spending more than it takes in at the end of the 10-year budget window. By the end of it all, our national debt would be over $24 trillion, an increase of more than $7 trillion, with no relief in sight.

Gross debt, relative to the size of our economy, never dips below 94 percent in this budget. As the nonpartisan Congressional Budget Office warns, when the debt is that high, we as a Nation have less flexibility to respond to unexpected challenges. CBO also warns that when the debt is that high, there is increased risk of a fiscal crisis and soaring interest rates. Make no mistake: If interest rates rise even slightly more than assumed in this budget, Federal spending on interest payments would increase substantially, moving us even closer to a fiscal crisis.

One of the most disappointing and disheartening parts of the budget produced by the majority in the Budget Committee is that it makes no attempt whatsoever to address entitlement spending. Instead, it would keep programs such as Medicare, Medicaid, and

Social Security on autopilot, making it far more difficult to preserve them for future generations.

Let's take a look at the numbers, because they are astounding. Over the next 10 years, we will spend $6.8 trillion on Medicare, $5.9 trillion on Medicaid, and $11.2 trillion on Social Security, for a combined total of $24 trillion.

The Democratic budget would reduce that spending by only $56 billion over 10 years, which amounts to a minuscule 0.2 percent reduction—that is right, 0.2 percent. Let's put that number in perspective.

Despite the acknowledgment of the administration, the nonpartisan Congressional Budget Office, and any sane analyst on the Federal budget that entitlement spending is unsustainable, the Democratic budget proposes to do next to nothing about it. Rather, they settle for spending reductions over a 10-year period that amount to about 5 days' worth of Federal spending.

This lack of attention to entitlements sends a clear message to younger generations. That message, unfortunately, is, we don't care that the social safety net will not be there for you. And it won't be for our young people, especially if we keep going this way. Federal entitlement spending is the biggest driver of our debts and deficits, and absent real structural reforms, these programs threaten to swallow up our government and take our economy down with it.

This is not rhetoric or supposition. These are cold, hard facts. Yet, with their budget, the Democrats have apparently opted to ignore reality and let these programs continue on their current unsustainable trajectory. On that trajectory, the safety net frays. On that trajectory, disabled American workers face benefit cuts of over 20 percent in 2016. And on that trajectory, trust funds associated with the safety net become exhausted.

The course charted by this budget is simply irresponsible. No one serious about governing would choose to ignore entitlement spending for another 10 years. Even President Obama—hardly a picture of bravery when it comes to taking on entitlements—has proposed as much as $530 billion in Medicare and Social Security reforms. This budget undercuts the President's proposal by nearly 90 percent.

So once again this budget is not about dealing with reality; it is about politics, pure and simple. Instead of working with Republicans on bipartisan solutions to our Nation's problems, the Democrats have decided to reveal their campaign talking points for next year.

There are some of us here in the Senate who have been looking for opportunities to work with those on the other side to address what are, in the view of many, the defining challenges of our time. For example, on January 1, I came to the floor to propose five bipartisan solutions to reform Medicare and Medicaid and asked my colleagues to work with me on this effort. These proposals are not my ideal solutions to the problems facing these programs. Instead, they are five solid ideas that have all had bipartisan support in the recent past.

For example, I propose raising the Medicare eligibility age—something President Obama and several other Democrats have at one time or another supported. I also suggest limiting Medigap plans from providing first-dollar coverage in order to prevent overutilization of Medicare benefits. This was supported by the Simpson-Bowles Commission and was also included in the Biden-Cantor fiscal negotiations in 2011.

Another one of my proposals is to streamline cost-sharing for Medicare Part A and Part B. Like the Medigap proposal, this idea was also supported by the Simpson-Bowles Commission.

In addition, I propose introducing competitive bidding into Medicare to allow for greater competition in order to reduce costs and improve quality of care. While some have deemed this idea controversial, President Clinton proposed a similar idea in 1999 as part of a major set of Medicare reforms—President Clinton, no less.

Finally, I propose instituting per capita caps on Federal Medicaid spending. This was another Democratic Party idea. It was first proposed by President Clinton in 1995, and at that time all 46 Democratic Senators signed a letter supporting this very policy.

I came to the floor in January in hopes that I could bring some of my Democratic colleagues on board with these proposals so we could at least start a bipartisan conversation on entitlement reform on the floor. My door and my mind remain open to my colleagues across the aisle on these ideas.

Today, as I look at this proposed budget, it is clear I shouldn't be looking to anyone supporting this budget to work on anything resembling a bipartisan approach. Indeed, if this budget passes as is, without any significant changes, I may have to look outside of the Senate entirely.

That is why earlier today I reached out to President Obama and asked him to seriously consider my five bipartisan entitlement reforms. The President talks a lot about grand bargains and balanced approaches, and he has a very winning personality, as was evidenced as he spoke to us Republican Senators today. The budget unveiled yesterday, however, is a step in the wrong direction. I hope he will demonstrate real leadership and engage in these enormous challenges in a meaningful way.

The budget proposed by the Democrats on the Budget Committee is fiscally irresponsible and will be detrimental to the current and future generations of American workers who depend on the social safety net and who want to see it preserved for the future. This budget grows government, not the private economy. This budget taxes too much and spends too much. This budget doesn't balance today, tomorrow, or ever. This budget keeps us at the edge of a fiscal crisis, with no flexibility to respond to future emergencies. That being the case, this budget should be soundly rejected by anyone who cares about our Nation's future and about prosperity and opportunity for America's middle class.

TANF

Now I wish to take a few minutes to talk about the Temporary Assistance for Needy Families, or TANF, Program.

Authority for TANF expired at the end of fiscal year 2010. Since that time, the program has limped along on a series of short-term extensions. President Obama has never submitted a TANF reauthorization to Congress for consideration. Senate Democrats, who have been in the majority since 2007, have never proposed a reauthorization of TANF. Instead of submitting a reauthorization proposal that can be considered in regular order on a bipartisan basis, the Obama administration instead unilaterally granted themselves the authority to waive critical Federal welfare work requirements. As I have said many times here on the Senate floor, there is no provision in the TANF statute granting this administration this authority.

Aided by Democrats in Congress, the administration has resisted any attempt to replace their waiver scheme with an actual legislative proposal. Rather than trying to explain what specific policy improvements cannot occur under the flexibility States have under current law, the Obama administration and Democrats in Congress have opted to issue a series of platitudes about State flexibility.

In addition, they point to a letter delivered by the Republican Governors Association to Majority Leader Frist in 2005 asking for more flexibility under TANF, ignoring the fact that the main focus of the letter was to urge floor consideration of welfare legislation reported by the Senate Finance Committee. This is hardly adequate justification for an unprecedented power grab by the executive branch.

The Senate Finance Committee needs to act on welfare reform. The TANF Program has languished for nearly a decade without a robust debate on reauthorization. Programs that benefit low-income families have suffered as a result of Congress's inattention to TANF.

The legislation before us contains yet another short-term extension, which would ensure that the program will go through the rest of this year without a reauthorization. This is simply unacceptable. The Senate Finance Committee, which has jurisdiction over TANF, needs to get to work on a full 5-year TANF reauthorization.

Several times over the past few months I have come to the floor to argue in favor of regular order and in support of reinstituting the committee

process. For too long now major policy decisions have been made not in the committees of jurisdiction but in the office of the majority leader. As I have said, I think the results speak for themselves.

This shouldn't be the case. If we want bipartisan solutions, we need to restore the deliberative decisions of the Senate and allow the committees to do their work. For this reason I prepared a motion to commit H.R. 933 to the Finance Committee in hopes that, once the bill was moved to the committee, we could roll up our sleeves and work on a bipartisan basis to strengthen the work requirement in TANF and give States the flexibility they claim they need while providing greater transparency, coordination, and accountability.

I understand there is a bipartisan process under way with regard to the continuing resolution, so I won't be seeking a vote on this motion today. And I wish to personally praise the distinguished Senator from Maryland and the distinguished Senator from Alabama for the work they have done on the Appropriations Committee. I am really impressed. I think they have shown the whole Senate that things can get done if we just work together, and they are two of our great Senators here in the Senate. That doesn't mean I am relenting in my efforts to restore regular order here in the Senate. I hope more of my colleagues will join me in this cause.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I also ask unanimous consent that the pending Inhofe amendment, No. 29, as modified, be agreed to; and that upon disposition of the Inhofe amendment, Senator TOOMEY or his designee be recognized to call up amendment No. 115.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Amendment No. 29, as modified, was agreed to.

Ms. MIKULSKI. Mr. President, we note the Senator from Pennsylvania is coming to offer his amendment. While we are waiting for him to get ready to proceed, I would like to thank Senator INHOFE, Senator BOXER, and all who worked on a satisfactory resolution of the Inhofe amendment. It shows if the Senate takes a minute or two, keeps its powder dry and sticks to the issues, we can move this bill forward.

We now look forward to a discussion on Toomey No. 115. I note the Senator from Pennsylvania is on the floor to offer his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 115 TO AMENDMENT NO. 26

Mr. TOOMEY. Mr. President, I call up amendment No. 115, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 115 to amendment No. 26.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 83.

Ms. MIKULSKI. Mr. President, on behalf of Senator LANDRIEU and myself, I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

The amendment (No. 115) is as follows:

(Purpose: To increase by $60,000,000 the amount appropriated for Operation and Maintenance for the Department of Defense for programs, projects, and activities in the continental United States, and to provide an offset)

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR O&M FOR ACTIVITIES IN CONUS.—The aggregate amount appropriated by title II of this division for operation and maintenance is hereby increased by $60,000,000, with the amount to be available, as determined by the Secretary of Defense, for operation and maintenance expenses of the Department of Defense in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby decreased by $60,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Advanced Drop in Biofuel Production.

(c) For the purposes of section, is determined by the Secretary of Defense means a spend-out rate in compliance with the aggregate outlay levels as set forth in the Budget Control Act of 2011.

Ms. MIKULSKI. Mr. President, before we proceed to debate on the Toomey amendment, I say to my colleague from Ohio that his strong advocacy for working people is appreciated. From the standpoint of discussion, the Senator has some excellent ideas, and I hope he and the Senator who chairs the Homeland Security and Governmental Affairs Committee can talk about how we can reach some type of consensus to generate jobs, retain the integrity of a professional workforce, and keep our economy going. I salute him for the work he does every day in that area.

Mr. BROWN. I would say to Chairwoman MIKULSKI that the amendment I would have offered along with Senator ISAKSON would strike the language on the pilot projects that expire at the end of the year with privatization of customs services. It is something I will work on with Senator LANDRIEU, and I appreciate Senator MIKULSKI's input on that. It is about public services and creating jobs and assisting with imports and exports.

I thank the chairwoman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, let me just briefly describe my amendment. This will not take very long, but I think it is an important movement in the right direction. It has come to my attention that the CR, probably for a variety of reasons, underfunds the DOD's operations and maintenance account relative to what the Army staff certainly has requested—actually to the tune of $2 billion relative to what the Army staff would prefer. This affects salaries, vital maintenance, and combat training. It affects certainly skilled defense contractors, employees, at our military facilities.

Obviously, we have very significant maintenance requirements for the very sophisticated equipment on which our troops rely, and so this is a very important account. The operations and maintenance account also includes training exercises that help make sure our forces are the best in the world.

Unfortunately, at the same time that we are underfunding this account, we are also spending money on alternative energy at DOD that is of very dubious value, in my mind. We have much more affordable energy than the kinds of energy we require the DOD to use, in some instances. And what this amendment would do is provide a modest transfer of $60 million from the DOD's account from the Pentagon biofuels program and allow that money to go over to the operations and maintenance account.

Now, I know there are some people who are big fans of spending money to develop biofuels and build the plants and refineries that create these biofuels. I would point out this is a much more expensive source of fuel than alternatives already readily available, and so I would ask a more basic question: If we believe this is a good and appropriate activity, wouldn't it be better to handle this at the Department of Energy rather than take the precious resources from our Defense Department and have it spent on the construction of plants for biofuel capability?

I think it makes more sense to move this over to the operations and maintenance account, and that is what my amendment does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Pennsylvania, and at the appropriate moment I will offer a budget point of order which will require an extraordinary vote on the floor of the Senate, but I first want to address the merits of Senator TOOMEY's amendment.

Senator TOOMEY's amendment proposes to cut $60 million from the Advanced Drop-In Biofuels Production

Program in the procurement defense fund and move these funds to the operations and maintenance account. The Senator has, unfortunately, an error in his amendment, and he cuts funding from the wrong account. He has rewritten it several times. Unfortunately, he is still cutting funding from the wrong account. That is an error which he may be able to resolve.

The appropriations account that would be cut by this amendment has nothing to do with alternative energy or biofuels. The account provides for funds for Special Operations Command equipment, DOD communications infrastructure, and the Chemical and Biological Defense Program. This is a very serious mistake in the creation of this amendment.

New language added to this version tries to correct an additional problem with outlays but does not. The amendment still violates the budget cap on outlays and is subject to a point of order, which I will make at a later time.

This amendment, which is being offered by the Senator from Pennsylvania, is opposed not only by me but also by Senator LEVIN, the chairman of the Armed Services Committee, and of course Senator MIKULSKI, chairman of the Senate Appropriations Committee.

Let's address the substance of the amendment if it were drafted properly. The Senate has already made it clear it supports biofuels and ending our Nation's dependence on foreign oil. We look at the challenge of foreign oil every time we drive by a gas station and we think to ourselves: How high can these prices go? They were knocking on the door of $5 a gallon in Chicago just a couple weeks ago. They have come down a little bit, but they are worse in other parts of the country, and we think to ourselves: When is this country going to reach the point where we are not held captive by OPEC nations and other suppliers of oil? That is the frustration we feel. That is the impact we have as consumers in America.

Now take this into a theater of war. Now it is a different story. We cannot manage and run our professional military without energy and fuel. The price we have paid to transfer fuel to the field of battle is dramatic, hundreds of dollars a gallon—not $5 a gallon, hundreds of dollars a gallon—because, unfortunately, if we are going to keep our men and women safe, we have to fuel the vehicles, the vehicles they rely on, whether it is the humvees or the tanks, airplanes or whatever they are using, and we have to move the fuel to where they need it and we have to move it now.

Let me also tell you something. Moving that fuel is not without danger. The first National Guard unit I visited in Iraq from my State of Illinois was a transport unit. They were driving these tanker trucks. Well, you think, these are soldiers driving trucks? They risked their lives every time they did it. That is where the roadside bombs were planted.

So when we start talking about moving energy to the military, we are talking about a life-and-death challenge. Unfortunately, many Americans have lost their lives moving that fuel to the field of battle.

So what do the generals and secretaries in the Pentagon tell us? We have to take a look at our energy consumption and find ways to have more fuel-efficient vehicles for our troops to reduce the need to keep moving this fuel, and we have to find better sources for fuel—fuel that might work better in one theater of battle than in another. That is what they have asked for, and that is what the Senator from Pennsylvania says—no, we can't afford that. We shouldn't do that. We ought to cut the $60 million involved in this research.

The Senate voted twice on Senator TOOMEY's proposal, and it voted both times in support of the Department of Defense initiative biofuels program. That was during the debate of the Senate Armed Services authorization bill. But no ideas ever go away in the Senate. This one is back again for the third try by Senator TOOMEY. I hope it reaches the same fate as the other two tries.

The conference agreement that was reached after the Department's authorization bill said that the Departments of Energy and Agriculture had to provide matching funds, and due to budget constraints they are not going to go that this year. However, the money that is appropriated for this purpose is going to continue to be able to be spent in other years and the research can continue.

Why would we stop this? Why would we say we are not going to do the research necessary to find more efficient fuels? Why are we going to try to stop the research in more efficient vehicles that keep our troops safe and reduce the likelihood that the men and women in uniform transporting these fuels are risking their lives to do so? Why in the world do we want to subject them to roadside bombs for the transport of fuels if we are told by the military they want to look at other options? Why wouldn't we do that? Sadly, the Senator from Pennsylvania just thinks we shouldn't do it, and that is why he has offered this amendment.

The funds appropriated for this project are available until expended. When other agencies are able to meet their own cost shares, they will certainly be used. The chairman of the Armed Services Committee, Senator CARL LEVIN, agrees with me on this. There is no conflict between the Defense Appropriations and the Defense Authorization committees.

Keeping the funds in this bill supports the Senate's clear position on giving to our military the authority they need to protect our troops and to lessen their need for using these energy sources. Reducing DOD energy costs and reducing the volatility of gasoline supplies is critical—critical to making sure the best military in the world is the safest military in the world.

The Defense Department is the Federal Government's largest energy consumer by far. The events of the Arab Spring and Iran's continued threats to deny access to the Strait of Hormuz demonstrate the security risk of relying on foreign oil sources. That is why this is a critical decision—it is a life-and-death decision—to look to other energy sources.

The Senator may say we can move $60 million to operations and maintenance. I am sure they need it. But they literally need much more than that. It is better we keep this research moving forward.

A 2012 report from the Congressional Research Service noted that since the early 1990s, the cost of buying fuel has increased faster than any other major Department of Defense budget category. That includes health care and military personnel. Between fiscal years 2005 and 2011, the Department's petroleum use decreased by 4 percent, but the Department's spending on petroleum rose 381 percent over that same period of time. Recall that we paid for our wars under the previous administration on a credit card. Part of that credit card charge related to the cost of fuel—a dramatic cost—which we are still paying off.

The Department of Defense estimates that every 25-cent increase in the price of a gallon of oil means an additional $1 billion a year in fuel costs. The $60 million in this bill for biofuels is such a small investment of the Navy's annual cost for petroleum-based fuel, approximately $4.5 billion in fiscal year 2011, and an even smaller fraction of the Navy's total budget of $173 billion. Sixty million dollars in research against the Navy's fuel costs of $4.5 billion—penny wise and pound foolish with this Toomey amendment.

This modest investment is worth the potential of being able to provide a secure alternative to the national security risk of petroleum dependence.

For the sake of reducing the cost of protecting America, for the sake of protecting the lives of men and women who serve our Nation and risk their lives every day and depend on this energy and fuel, for the sake of at least being thoughtful enough to put money into research to find ways for more fuel efficiency and better sources of fuel, please vote no on the Toomey amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I know there are people who are very passionately interested in developing any kind of alternative energy. I would just suggest there are research facilities where that is probably appropriate. I suppose the Department of Energy might be a candidate. But the kind of biofuels that are generated cost far more than conventional fuels. We have a tremendous volume of conventional fuels, and it is a savings to be able to use conventional fuels.

In this case, my suggestion is that this money goes to where it is vitally needed, in the operations and maintenance accounts. But I would like to discuss with the Senator from Illinois the concern he has about a budget point of order, so I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. 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. UDALL of New Mexico. Mr. President, I would like to speak today on the Toomey amendment, No. 115. I rise to argue against the Toomey amendment.

This is an amendment about energy. As we all know, energy is a strategic resource for us. Every member of our Armed Forces understands this, and they understand it well. Energy is essential to our national security mission. Everybody knows you do not go out there and move in an aggressive way without good, solid energy supplies behind you. Having access to reliable energy supplies to protect our men and women in uniform is absolutely essential. No matter where they may be in the world, it is critical to our Nation that we have these good energy supplies.

Each branch of the Armed Forces recognizes the importance of biofuels as a critical part of its energy needs. Our military faces numerous logistical challenges with its dependence on fossil fuels. Increasing diversification through investment in alternative fuels will help the military carry out its mission safely and without the need to rely exclusively on foreign sources of fuel from countries that do not share our interests overseas.

The amendment offered by Senator TOOMEY, the Senator from Pennsylvania, trades some short-term benefits at the cost of our long-term needs. Reducing the Department of Defense's ability to procure biofuels by $60 million is a step in the wrong direction. Biofuels are an American industry, growing energy right here in our own backyard—energy at home, made in America.

In my own State, the Los Alamos National Lab is growing the next generation of algae feedstocks for future biofuels. We are doing some great research in this area of biofuels. We also have a biorefinery facility operated by Sapphire Energy near Columbus, NM. This facility is up and running and can produce 1.5 million gallons per year of fuel. That is fuel derived from these advanced-generation algae. This story is not unique to New Mexico. Texas, California, Missouri, and Iowa lead the United States in the number of biorefineries per State.

This amendment limits opportunities for bioenergy companies across the United States. Biofuels are a significant source of energy for the Department of Defense. We should provide as many opportunities as possible to grow this industry. We should maximize the long-term economic and national security benefits of U.S. biofuels.

It is for those reasons that I urge a ''no'' vote on the Toomey amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I rise to speak on the Toomey amendment.

I want to reiterate what my colleague from Illinois said about this amendment. Senator DURBIN chairs the Subcommittee on Defense. He recently took this over with the passing of Senator Dan Inouye. Senator DICK DURBIN has now assumed the Chair. It is a committee we are now looking at funding.

I too have met with the Department of Defense—whether it was Secretary Hagel, Deputy Secretary Ash Carter. I have talked things over with General Dempsey. When they talk about what are the big-buck expenditures in defense—is it guns? Is it bullets? Is it body armor? Is it tanks or planes? The exploding costs are in the area of military personnel. We have to pay our people, so we agree with that. Then there is the issue of providing health care. Wow, after a 10-year war where we have asked too much from too few for too long, people are coming back with the permanent wounds of war. All are coming back with the permanent impact of war. Health care problems are showing up among them. But to my surprise—I was not surprised about that—I was surprised that one of the largest expenditures in DOD is energy. I already knew that DOD is the Federal Government's largest energy consumer and that the Congressional Research Service notes that since early 1990, the cost of buying fuel has increased faster than any other DOD budget category. Isn't that a surprise, that it is increasing faster than health care? I actually believed health care would be the fastest because of what our troops and their families have endured. But it is the fastest growing category.

Some numbers. I know a lot of our colleagues are numbers people. Between fiscal years 2005 and 2011, the Department's petroleum use actually went down. Their use of petroleum went down by 4 percent. You would think their costs went down. But guess what. Their spending on petroleum rose 381 percent in that same period. What an amazing number. When your use goes down but your cost goes up 381 percent, it is time to take a new look and begin to find new ways to deal with this challenge. Our Department of Defense went right to work.

DOD tells us that for every 25-cent increase in the price of a gallon of oil, the Federal Government and DOD incur over $1 billion in additional fuel costs. Every time a gallon of oil goes up 25 cents, the Federal Government ends up spending $1 billion more at only DOD. That is $1 billion that could go a long way in either making sure we have modern weapons or for our returning troops—and they are returning—to have the health care they need.

We need to modernize the military. Senator MCCAIN has challenged us. We need to make sure we don't hollow out the military.

We need to make sure we address the new emerging threats not only in geographic areas but in cyber space. I am on the Select Committee on Intelligence. Those cyber threats are eye-popping when you study the issue.

We need to do something about our cost of fuel. The Navy had planned to spend close to $200 million on advanced biofuels between fiscal year 2009 and 2012. The $60 million we are talking about is a small fraction of the Navy's annual cost for petroleum-based fuel—approximately $4.5 billion in fiscal year 2011.

Secretary of the Navy Mabus has talked about how energy security is a growing national security issue not only for our country but also specifically for the DOD. What is the answer to that? We have to be able to look at funding for the advanced biofuel program. As Senator DURBIN said, the Senate has already voted twice in support of DOD's biofuels programs. The Department continues to spend money in fiscal 2012 for biofuels. The fiscal 2013 year will maintain funding to pursue the program in future years.

I hope we understand what are the real costs facing the Department of Defense. Just because you do not like a program—let's look at these programs in terms of the challenges facing our military. We think the challenge facing our military is terrorism, and it is al-Qaida. Gosh, when one thinks about those marines up there, as we speak, in the mountains of Afghanistan, it just gives you chills. When they are up there fighting for us, they need to have resources. They need to have the weapons, they need to have the armor to protect themselves, but they also need to have the fuel to get around. As Senator DURBIN said, they are often incredibly at risk because they are riding over roads loaded with these mines. We have come a long way in learning how to deal with IEDs, but the hurt locker continues to exist. We have to do something to protect our military, protect those in the military who support the frontline troops. That means they need to have the fuel on which the DOD will continue to run.

We need to look for alternative sources. The policy is a good one. I think the amendment of Senator

TOOMEY is well intentioned, to fund operations and maintenance, but operations and maintenance is really also having the right fuel, which means we have to develop alternatives to what we have now.

I wanted to comment on this. As I have taken over the chair of the full committee, I have learned a lot more about the funding of the Department of Defense and the challenges they face. The more we scrutinize it, some of the really big-buck expenditures that support the troops are not visible in the public eye, but they are visible as we look at our expenditures.

We need to support our military, and we need to do it not only in the way we are supporting them today, but to have the new technologies for the kind of support they will need in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

Ms. MIKULSKI. Mr. President, that also takes me to the fact that there are these growing issues in the area of health care that we need to take a look at. There are a variety of challenges facing the Department of Defense that we need to look at and address, but let's do it through the regular order, through our appropriate authorizing committee, and through our appropriate Appropriations Committee.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

AMENDMENT NO. 123 TO AMENDMENT NO. 115

Mr. DURBIN. Mr. President, I send an amendment in the nature of a second-degree to the desk and ask that it be reported.

The PRESIDING OFFICER. If there is no objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 123 to amendment No. 115.

The amendment is as follows:

At the end, add the following:

(d) This section shall become effective 1 day after the date of enactment.

Mr. DURBIN. This is a second-degree amendment to the Toomey amendment numbered 115.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I rise today in the midst of a profoundly important conversation on the floor of this body about the future of our financial situation with the Federal Government, and I want to thank the Senator from Maryland for her extraordinarily impressive work. I thank her on behalf of myself, Connecticut, and the Nation for her very diligent and dedicated labors to bring us to this conclusion, which all of us hope will take place in the next few hours.

DREAM ACT

I want to deal with a separate issue of equal importance that will be enabled on the floor of the Senate if we are able to overcome our differences on this fiscal issue. The issue I am referring to is comprehensive and accountable immigration reform, which this Nation desperately needs. I am working to achieve it, as I know my colleagues are.

The President of the United States has advanced that agenda very compellingly in his proposals that include a path to earned citizenship for the 11 million or more undocumented people in this country, stronger enforcement at the borders against illegal immigration into this country, and stronger enforcement within our borders against illegal employment of undocumented people already here. Of course, we also need a streamlined and fairer immigration process so we can provide a process that comports not only with our due process obligations, but also with the fundamental concept of fairness.

This is not the first time I have come to the floor to deal with one area of immigration reform that ought to be expedited as part of that agenda. I am here to talk about Connecticut DREAMers and their invaluable contributions to their communities and DREAMers across the United States who make those same kind of contributions to our communities and my colleagues on the Senate floor.

Over the last couple of months a tremendous momentum has developed in favor of comprehensive and accountable immigration reform. I am thrilled by these developments. They are tremendously heartening, and I commend my colleagues for their profoundly significant work. Most importantly, I look forward to seizing this unique and historic moment and the opportunity to reform our broken immigration system.

The DREAM Act would give young immigrants who have been brought to this country as children a chance to earn their citizenship through education or military service. The idea about immigration reform is to achieve earned citizenship. These young people—or DREAMers, as they are often called—are undocumented immigrants who were brought to this country at a young age, as infants, or young children through no fault or choice of their own. America is the only home they have ever known. English is the only language many of them know. Their friends are here, their life is in this country, and they make invaluable contributions to this great Nation.

I thank one of my colleagues and friend, Senator DURBIN, for his championing this cause over many years, and in fact, he introduced the DREAM Act 11 years ago and has tirelessly and relentlessly fought for its passage. He has come close to success, and my hope is that immigration reform will include this vitally important measure.

The immigrants who would benefit from the DREAM Act identify as American. But our immigration system affords them no direct path to achieving legal immigration status, let alone citizenship.

The DREAM Act would give them a chance to earn legal status if they meet several requirements such as having come to America as children, having good moral character, having graduated from high school, and completed 2 years of college or military service.

A DREAMer who meets these requirements can apply for legal permanent residency and pursue a path to citizenship.

DREAMers who live in our communities but fear deportation have been given some relief by the President of the United States, in effect, a temporary reprieve. But they still lack the security and permanency, and they should be given it, even after the President's program. Because just as they were given that reprieve administratively, they can also lose it in the same way at the end of 2 years, which is the limit currently of the reprieve from deportation they have been granted.

Two million immigrants nationwide would benefit from the DREAM Act. There are between 11,000 and 20,000 DREAMers living in Connecticut, and one of them is Vanessa Bautista. I am going to place her photograph on this stand and say to the people of Connecticut, we should be proud of Vanessa. I am proud of Vanessa. She was born in Ecuador and came to America at the age of 10, raised by her grandmother and reunited with her parents here in America. Soon after joining her parents in Connecticut, Vanessa learned English and she began school. She had a dream to go to college and become a nurse. As a teenager, she worked cleaning houses. She babysat. She saved money as much as she could for college because it was part of her dream of becoming a U.S. citizen and giving back to the greatest Nation in the history of the world.

She was accepted to Southern Connecticut State University, having to

pay the entire tuition. During her first year at Southern, she worked full time and went to school full time. She did both full time—had a job and sought an education. She doesn't remember having any rest during that year, not surprisingly. She went to school in the morning and then worked and babysat every night until midnight. Even with this challenge, she achieved a 3.9 GPA that year. She dreams of graduating from college and one day working as a registered nurse. She wants to give back, which she will do, and she will give back to the country she calls home. But she understands these dreams will be out of reach unless this body, this Congress, this Nation, approves the DREAM Act and the rights she is seeking.

I say in conclusion, I urge my colleagues to work hard on the issues at hand, which are fiscal in nature. They are key to our future in this country. But equally important to this great Nation of immigrants is providing a path to earned citizenship for young men and women such as Vanessa, their parents, and the 11 million people in this country who now live in the shadows. Let us enable them to come out of the shadows, pay fines and pay back taxes, show they have no criminal record, and otherwise meet the strong criteria we should establish as part of that pathway to earned citizenship, and truly achieve for Vanessa and the DREAMers what is certainly the American dream: Work hard, play by the rules, and you will be recognized for what you achieve, what you earn, what you give back and contribute to the greatest Nation in the history of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. HIRONO. Mr. President, I rise today in strong opposition to amendment No. 115, the Toomey amendment. This amendment would reduce funding for advanced drop in biofuels production.

I strongly oppose this amendment for several reasons. First, this amendment undermines our long-term national security. The 2010 Quadrennial Defense Review outlines several areas where reforms are imperative to improving our national security. Implementing reforms to strengthen our energy security was one of these areas.

Right now, our military is almost totally dependent on fossil fuels. These resources are finite, priced on a global marketplace, and produced by nations with whom we don't always see eye to eye. There are also new powers rising and new challenges evolving. So to preserve a 21st century force, we need to invest in 21st century priorities. This means we must diversify how we power our military.

The project this amendment seeks to cut is fairly modest in the scheme of the military budget, but the overall benefits to our forces will be well worth it. Our Nation has always invested in technologies that produce long-term benefits and address changing circumstances—from more advanced tanks and aircraft to faster communications and lighter armor. We have to innovate now in order for our military to have the capabilities to protect our Nation. We need to make the same kinds of investments now in our military's long-term energy needs.

Already the research and deployment of alternative energy is benefiting our long-term capabilities, improving troop safety, and making security operations more affordable. In fact, just last summer, at the Rim of the Pacific Exercise—RIMPAC—the U.S. Navy demonstrated its ''Great Green Fleet'' with surface combatants and aircraft using advanced biofuels for the first time. This exercise—the largest international exercise in the world—proved that our military platforms can use these fuels.

Prior to this exercise, Navy Secretary Ray Mabus said of the biofuels demonstration:

> The Navy has always led the nation in transforming the way we use energy, not because it is popular, but because it makes us better war fighters.

Clearly, continuing to support this type of investment will pay additional dividends that will help ensure the United States remains the world's preeminent military and technological power in the 21st century.

However, there is another reason to oppose this amendment and support the military's ongoing efforts to improve its energy security. That reason is that it makes good long-run budgetary sense. Fossil fuels are a finite resource that are priced on a global market. Increasingly, as I mentioned, this fuel is produced by nations with whom we don't see eye to eye. As global competition for fuel resources intensifies, it is vital that we reduce the amount necessary to power our military.

Not only does our reliance on fossil fuels constrain our assets and resources from an operational perspective, it also puts significant strains on already stretched budgets. For example, between fiscal year 2005 and fiscal year 2011, the Department of Defense spending on petroleum rose from $4.5 billion to $17.3 billion. That is a 381-percent increase. While that number is shocking, another shocking fact is that during this time the Department of Defense was actually using 4 percent less petroleum. In other words, we are paying nearly four times more money for less fuel.

In addition, global price spikes make budgeting for our current energy costs extremely challenging. According to the Navy, every time oil prices rise by $1, their fuel budget inflates by $30 million. In fiscal year 2012, the U.S. Pacific Command, which is based in Hawaii, faced a $200 million shortfall in operation and maintenance funds. This is directly related to spiking fuel costs. These unforeseen circumstances reduce our military's capabilities and readiness. It is also unsustainable in today's budget environment.

So while the Senator from Pennsylvania argues that biofuels are too expensive now, new technologies are always more expensive at first. That is exactly why we need to invest in scaling up instead of scaling back. The first fighter jets off the assembly line are always more expensive than the 100th fighter off that line. The fact is that it is the height of irresponsibility for us to rely on fuel sources with such unstable costs.

That is why the military is already working to reduce its fossil fuel usage and to develop and deploy alternatives wherever possible. At the U.S. Pacific Command, investments in renewable energy, energy-efficient buildings, and fuel cell or hybrid vehicles are making installations more cost-effective. In fact, PACOM expects to reduce its reliance on fossil fuels for electricity by 80 percent. That would reduce the total DOD electricity demand in Hawaii by 34 percent and save the DOD $42 million per year in electricity costs. This $42 million could be put to better uses.

These are savings that can be replicated on a servicewide scale and will save far more money that could be used to support O&M than the Toomey amendment will. The military recognizes this. This is why GEN James Mattis has stated:

> I remain committed to unleash the burden of fuel from our operational and tactical commanders to the greatest extent possible.

These investments are about improving our national security by changing the way we power our military. Advanced biofuels is an investment in that goal and one we should continue.

As U.S. Marine Corps Gen. John Allen has said:

> Operational energy equates exactly to operational capability. Let's all work this hard, together!

So I urge my colleagues to vote against the Toomey amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I too rise, as my colleague from Hawaii just did, to speak in support of the Department of Defense and in opposition to the amendment offered by the Senator from Pennsylvania. As has been outlined, this amendment would strike funding for a very important and effective Navy program which now works with private industry along with the Department of Energy and the Department of Agriculture to produce alternative fuels. As we work together to overcome the harm that has been done by sequestration, it is essential we provide the military with the flexibility to

overcome current and future threats. That includes allowing the DOD to invest in energy sources and fuel technologies that reduce our dependence on foreign oil.

Unfortunately, the Toomey amendment does the opposite. So accepting it would do real harm to our military. It would cost more money than it would save and it would damage the military's strong and necessary efforts to reduce its dependence on foreign oil.

In carrying out the work of our Nation, the Department of Defense consumes approximately 330,000 barrels of oil every single day. That works out to be 120 million barrels per year. What does that cost us? Last year, the military spent over $16 billion on fuel. Because of rising global oil prices, that was about $2.5 billion more than they forecasted. Those rising costs—in dollars and in operational capability—are staggering. I think that is the only word that applies.

If we think about it, we realize that for every 25-percent increase in the price per gallon of oil, the military's fuel costs increase by $1 billion. In order to make up for that shortfall, the DOD has to pull money from operations and maintenance, which means that rising fuel costs result in less training, deferred maintenance, and reduced operational capability. That is a terrible triad if there ever was one. That means our troops, then, are also less prepared when they go into harm's way. They are less ready to fight when it matters most.

The Toomey amendment would undercut efforts to end that cycle. It would delay the development of technologies that would clearly bring lower costs, more domestic production, and more American jobs. That is why the DOD is investing in these domestic alternatives to foreign oil.

It should tell us something that in an era of reduced Department of Defense budgets our senior leaders remain fully committed to this effort. Even when we have to tighten our belts, they think this is an investment that makes sense.

What are we doing? We are investing in research and development that will develop new fuels that can be made from biologic feedstocks. These are fuels that can be grown and then refined here at home.

I want to be clear, these are not programs that are being forced on the DOD through earmarks or by environmentalists or other groups that some like to demonize. These are DOD initiatives, undertaken to protect the military from rising fuel costs and an increasingly volatile international marketplace.

So even under the threat of sequestration, investments in new energy technologies and alternative fuels remain a priority.

I would say to my friends who say we cannot afford to spend money on alternative fuels, our uniformed senior leaders tell us we cannot afford not to.

Think about it another way. We send $300 billion overseas every year for oil. If we could keep about one-twentieth of a percent of that money at home, we would pay for this program.

For about half of what we spend on military bands each year, we could be establishing a domestic energy industry.

For about one-sixth of the cost of this year's funding for the MEADS missile system—a system that the DOD has no intention of putting into operational use—we could diversify our energy portfolio and drive down costs.

We would be taking billions out of the hands of terrorists and reducing the risk, at the same time, to our military personnel.

The proponents for cutting off these investments in alternative fuels would argue that the Defense Department should not be involved in the development of new energy sources. I could not disagree more. Let me tell you why.

These biofuels could not be used as leverage against us. The refineries could not be taken over by al-Qaida-backed extremists or blockaded by Iranian gunboats.

Energy security is national security, and this is exactly the right kind of investment that our military should be making.

Just think historically: Military research and development has sustained the enormous technological advantage we maintain over our adversaries. Our willingness to invest in the future has helped keep us safe.

It has also been said that the DOD should not be spending money on energy development. If that were the case, we would not have a nuclear-powered Navy. Without military investment in emerging technologies, we would not have jet engines, microchips, microwave ovens, radar, or GPS navigation.

Ensuring our energy security ought to be a national priority. Our reliance on foreign oil is a threat to our security and our economy, and I suggest even our very way of life.

We need a whole-of-America solution to this national problem, and the Department of Defense absolutely has a critical role to play in that effort.

If you believe that the DOD has a vested interest in having reliable sources of fuel and energy, then you should agree that they have a role to play in ensuring that new fuels meet their needs.

As I mentioned, we are all concerned about the effect of sequestration on our troops, but we cannot solve our problems with the same kind of short-sighted thinking that got us here in the first place.

Killing the Navy's biofuels program—and make no mistake, that is exactly what this amendment would do—will cost more money than it saves. It will set back an industry that is poised to provide our country with enormous and important benefits. And it will make sure—it will ensure—that we keep pouring money into foreign coffers.

So I urge my colleagues to continue to support smart investments in our future, like the Navy's biofuels initiative. Therefore, I urge my colleagues to oppose the Toomey amendment.

Mr. President, thank you for your attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I am here to speak to an amendment that I previously filed, amendment No. 41.

The purpose of this amendment is to help provide the White House with the opportunity to reopen its doors to the American people. It certainly has received a lot of attention, which demonstrates to me—and I am sure to my colleagues—how important a visit to the White House is to so many Americans.

In my view, we can be much smarter, and we must be much smarter, with our spending decisions and make cuts in ways that do not intentionally or unnecessarily inflict hardship or aggravation upon the citizens of our country.

Canceling White House tours is one of those unnecessary and unfair ways for the Department of Homeland Security to meet its budget-cutting obligations—particularly if the necessary savings can be found someplace else within their budget.

The self-guided White House tours were canceled either by the Secret Service or the White House—I have not been able to get a clear answer to actually who made that decision. But, regardless, they were canceled in order to save a minimum of $2.14 million, according to the Secret Service.

This amendment proposes to transfer $2.5 million from TSA to the U.S. Secret Service to pay for the security staff necessary for the White House tours to continue for the remainder of fiscal year 2013.

Why go after TSA? In my view, TSA can absorb these costs. Just last week, TSA signed a contract—just last week TSA signed a contract—that would allow it to spend up to $50 million on uniform-related expenses over the course of the next 2 years. So last week, TSA spends $50 million for new uniforms, and now we have no money for tours at the White House.

Prior to signing that $50 million uniform contract, the TSA uniform allowance for security officers had already doubled last November as part of a new TSA collective bargaining agreement to an estimated $9.57 million annually. This works out to $443 per TSA employee per year. By comparison, officers in the U.S. Armed Forces receive either no uniform allowance or a one-time $400 allowance over the lifetime of their service.

There is no reason why American taxpayers should spend more on TSA uniforms every year than a U.S. Marine Corps lieutenant spends in a lifetime. And the same taxpayers who are

funding the TSA officers' uniforms are being denied the opportunity to tour the White House—the people's house.

This amendment has been scored by CBO, which found it would result in no net change in budget authority and would result in an estimated decrease in fiscal year 2013 outlays of $1 million. So it is an amendment that saves money.

These White House tour closings are actually falling on the burden of Members of Congress because it is our responsibility to organize the tours, get the permission, and we are the ones who are now telling our constituents that tours that were previously approved—we have to call and give them the bad news.

In fact, today I had a couple of Kansans and their three young boys on the Capitol steps for a photograph and conversation, and these constituents with their family from Kansas were indicating how sad it was to tell their boys, even though they were here in Washington, DC, they could not see the White House. In fact, they said: We played by the rules. We signed up. We went through the security. For months we were planning to come to Washington, DC, but now that we have arrived, the White House is something that is not available to us and our boys.

It is often that we are the ones now providing that news to families in Kansas and across the country. My office has received lots of e-mails from concerned constituents, including some whose tours are not even scheduled until next May or June, sometime in the summer, asking whether we believe the White House will be reopened to them by that time.

Between March 9 and March 21—just in that short period of time—we have already canceled 16 previously approved White House tours. Multiply that—assuming we are normal or average—by 100 Senate offices and 435 House Members, and that is a lot of Americans who had hoped or thought they were going to see the White House on their visit to our Nation's Capitol.

I read today that the White House has indicated they are going to try to find ways. I think the President said he is going to try to find ways to get young people, children, into the White House. I certainly express my desire to see that happen. But I was thinking, if we make that the case, then what happens to the Kansan who is the 91-year-old World War II veteran who is back here to see the World War II Memorial and while here wants to see the White House?

Again, the White House should be available to all Americans—in fact, people from around the globe—to see the home of our President.

Shaking up our entire tour scheduling process at a time in which the tourists are soon coming—or coming now with spring break and cherry blossoms—is something, in my view, we can avoid. This amendment would take money that we believe is less wisely spent and reopen the White House to the American people.

So I appreciate the opportunity to explain my amendment and would hope we can find a way, in working with the White House and working with the Secret Service, to make sure that noble building at 1600 Pennsylvania Avenue is something that is available for Americans to see, to view, and to be inspired.

One of those kids, one of those folks who walks through that White House, someday might be the President of the United States. And we do not want to do anything that hinders the opportunity for that inspiration to occur and for Americans to continue to be proud in their Executive Officer—the President—and to be proud of the system of government we have. Let's not lose the inspiration. Let's not deny the American taxpayer, the American family the opportunity to see the White House at 1600 Pennsylvania Avenue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 115

Mr. WYDEN. Mr. President, I chair the Energy and Natural Resources Committee, and in that capacity, I want to take a couple of minutes to speak against the Toomey amendment. That is amendment No. 115 that would slash, in effect, the biofuels program at the Department of Defense.

Of course, we are going to hear that this will save money, that with the sequester and a very tough set of financial circumstances, which the Presiding Officer knows all too well, the argument will be we cannot afford to have this biofuels program in the Department of Defense.

My argument would be, we cannot afford not to have this program, and I am going to take a couple minutes to try to describe why that is the case.

Right now, the Department of Defense is the single largest user of energy in our country, with annual fuel expenditures in excess of $16 billion. So you have this massive need for energy at the Pentagon—really a thirst for energy at the Pentagon—and fluctuations in global energy prices have, in effect, enormous effects on defense spending. Every $10 increase in a barrel of oil costs the American military annually an extra $1.3 billion.

For some time there has been a recognition among military experts—and some are in the Presiding Officer's home State of Massachusetts, where they have spent a lot of time looking at these issues—there has been a recognition that the military, particularly the Pentagon, is exactly the place where we ought to be looking for fresh innovative approaches in order to cut energy use and find alternative sources.

For the life of me, I cannot figure out how somehow this effort by the Pentagon—let me repeat: by our country's military—has somehow been conflated into some kind of green plot, some kind of plot by those who are obsessed with green energy and are simply interested in promoting programs to satisfy their ideological interests.

I can tell you the reason this is being pursued at the Pentagon is not because this is somehow some sort of green plot, some sort of subversive green plot. This is being pursued at the Pentagon because they have made the judgment that these kinds of alternative fuels and supporting them is a vital national security matter. This is not about some kind of ideological green agenda. This is about national security. Their judgment is we need exactly this kind of effort.

DOD contracts are particularly crucial because they help promote research and development efforts. What we have seen repeatedly is a lot of the most exciting alternative fuels. The biofuels have enormous potential. The challenge is to keep driving down the costs and do it in a cost-effective kind of way. That is exactly what goes on now at the Department of Defense as relates to biofuels. It is exactly what would be undermined if the Toomey amendment, amendment No. 115, was passed and signed into law.

The last point I would make is that Bloomberg, which has a new energy finance unit, a special unit that looks at these issues, their analysts predict that some aviation biofuels are going to be cost competitive with standard jet fuel in just a few years. That will happen if we do not undermine current development rates in this area of biofuels at the Department of Defense.

That is why, colleagues, I feel so strongly about opposing the Toomey amendment on biofuels at the Pentagon. I hope my colleagues will agree.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, I come to the floor this evening to address Senator TOOMEY's amendment, which would remove the provisions around biofuels, amendment No. 115. I think it is important to point out that this is really more than a budget issue. The Presiding Officer understands, as he and I worked together to address this when we passed the Defense authorization bill. This is really a national security issue.

I had the opportunity, as chair of the Water and Power Subcommittee in Energy, to go down to Norfolk to have a hearing aboard the USS Kearsarge to talk about exactly what the Navy—and they are reflective of the military—is doing to address energy use. I saw some very amazing progress in terms of their

reduction in energy use, their energy efficiency. I saw some of the things they are doing, such as using solar blankets and small, compact batteries out in the field. This allows them to do their mission much better.

They pointed out that our access to energy is complicated by political unrest and by threats to our supply lines around the globe. We spend billions to protect these fragile supply lines.

Oil prices are set on a global market, often driven by speculation and rumor. Our military is too often exposed to price shocks. The military consumes about 300,000 barrels of oil a day, which is about $30 million a day.

The Federal Government is the largest consumer of energy in the United States, with 93 percent consumed by the military. For every dollar rise in a barrel of oil, the Navy incurs a cost of $30 million at current prices. Last year the Navy incurred a $1.1 billion budget shortfall because the cost of a barrel of oil increased by $38. The commander of the Pacific Fleet was forced to cut $200 million from its flying and steaming costs because of those cost increases.

In fiscal years 2011 and 2012, the Department of Defense came up $5.6 billion short for military operations and maintenance because it needed to spend more on fuel than anticipated.

As I saw in Norfolk on the Kearsarge, each of our services is making real progress on energy efficiency and moving to alternative fuels. This is not the time to hinder those efforts.

The per-gallon cost of test quantities of advanced biofuels under Navy contracts has declined more than 90 percent over the past 2 years, and it is going to continue to decline. The Navy and the Department of Defense have been on the leading edge of innovation and technological achievements over the last 200 years. This is another example of innovation and technological advancement.

Last year the Chief of Naval Operations, ADM Jonathan Greenert, sent a letter to my office advocating his strong support for the Navy's efforts on biofuels and urging Congress to provide him with the flexibility to continue this effort. He states:

> I support the Secretary of the Navy's efforts . . . to accelerate the establishment of a domestic alternative fuels industry through DPA, Title III. This effort will enhance our energy security by diversifying the supply of fuels.
>
> Restricting this biofuel effort will ''impede America's energy security.''

I applaud my colleague Senator TOOMEY for the efforts he made to look at what we are spending in government to attempt to reduce those costs. He and I are working very closely in an attempt to reduce the cost of sugar subsidies in this country. This is a situation where, for short-term gain, they would risk the long-term benefit.

I would urge my colleagues to oppose the Toomey amendment and ensure our military continues to be on the leading edge of energy security for the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IN MEMORY OF ANDY ATHENS

Mr. DURBIN. Mr. President, I want to take a moment to remember a friend of mine who passed away last night. Andy Athens was a civic institution in Chicago. He was a brilliant business leader. He was also ''the Dean'' of the Greek American community—a founder and former president and the cofounder of the National Coordinated Effort of Hellenes.

We are so grateful that when Andy's father left Greece in 1904 he came to Chicago. With his brother Tom, Andy built a business that provided steel to the world and good jobs and dignity for generations of Chicago's American families. But Andy's contributions went far beyond Chicago. Growing up, Andy attended school at St. Constantine and Helen Greek Orthodox Church in Chicago, where he learned the importance of Greek culture and the Greek Orthodox Church.

When World War II came, Andy served as a captain in the U.S. Army in Europe and Africa and was awarded the Bronze Star. But he brought more than a Bronze Star home from that experience. He stayed on in Belgium after the war ended to run a liberated Ford Motor Company plant that was rebuilding American-made cars and trucks for sale to European governments. Landing that job was the second best thing that happened to him in Belgium. By far, his greatest source of luck was when he met his beautiful wife Louise.

Before Andy retired from the steel business, he used to have to carry two briefcases to keep all his activities straight. In one briefcase were the things he needed for his business. The other briefcase held his blueprints and details for all the extraordinary works of philanthropy and diplomacy by the American Council of Hellenics.

During the tragic invasion of Cyprus by Turkey in 1974, Andy founded the United Hellenic American Congress in Chicago to organize the Greek-American community and press for peace and justice in Cyprus. He served as president or chairman or both over the years, and every Greek-American organization wanted Andy to be part of it.

In 1995, leaders of organizations representing the 7 million Hellenes living outside of Greece met in Greece to create an organization uniting all Greeks around the world. The result was the World Council of Hellenes. Who did the new council choose as its first president? The Dean, Andy Athens.

If it is discovered there are Hellenes living on other planets, I am sure Andy would have organized them and would have been elected first president of their group as well.

Andy Athens was a global ambassador for the shared values on which Hellenism in America is based: freedom, democracy, human rights, human dignity, and service to others. He and the organizations he helped to establish brought hope, opportunity and justice, and the priceless gift of health to millions around the world.

Last year, I traveled to Eastern Europe and met with leaders in several nations who not so long ago were part of the Soviet Union. As so often happens when I visit other lands, I found myself following in Andy's footsteps. I traveled to the Nation of Georgia, where Helennicare, the medical philanthropy Andy founded, supports a number of health care centers.

I visited the Ukraine, home to Hellenicare's visiting nurses' program. I went to Armenia, where thousands of people each month receive care at a health clinic established by Hellenicare. This was a man whose good works are known throughout the world. As our friend Senator MIKULSKI says, ''Andy Athens was a one-man foreign aid program.''

Other than faith and family, no cause was dearer to Andy than the cause of freedom and justice for Cyprus. Andy Athens did more than any other American to end the division and occupation of Cyprus and to keep the cause of justice for Cyprus on our Nation's agenda. For his efforts, he received countless honors, including the Grand Cross of the Order of Merit of the Republic of Cyprus and the Hellenic Republic's highest honor, the Gold Cross of the Order of the Phoenix.

Andy was 91 years old when he passed away. Loretta and I want to offer our condolences to Andy's wife Louise, their children and grandchildren, and to Andy's legions of friends. Andy Athens was a hero not only of this Nation but of Greece, Cyprus, and so many other nations. I am proud to say he was my friend, and I will miss him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, to my colleague and friend from Illinois, through you, I also express my condolences to the Athens family. Andy was a good friend to me. We had such a warm, cordial, affectionate relationship. But he made that easy because of the kind of man he was—a real entrepreneur in that immigrant sense, starting with very little and really creating a business. But along the way, he not only built a business, he raised a family and he built a community. And I enjoyed so much working with him on the issues.

Yes, we did work on Cyprus, the fact that Cyprus is yet to be unified and is still occupied in northern Cyprus. But was the Senator from Illinois aware of his work in creating health services in Russia and in the Orthodox community there—he was like a one-man NGO in

what he did. Was the Senator aware of that?

Mr. DURBIN. I tried to read some of them, but I couldn't read the entire list. And I actually quoted the Senator from Maryland, who once referred to him as a one-man foreign aid program.

Ms. MIKULSKI. I am going to put that in neon here this evening, yes.

Mr. DURBIN. He was an extraordinary man. What a legacy he leaves around the world, not just in Chicago and in Washington.

Ms. MIKULSKI. What did he pass away from?

Mr. DURBIN. I was told he passed away peacefully in the night. The last time I saw him was in the Capitol Building about a year ago, and you could tell he was struggling a little bit. But it was a day when he was honored and everyone cheered him on and was happy to be there.

He was such an extraordinarily good man. And when the Senator and I value our own heritage and the fact that so many people from different parts of the world come here, proud to be American but also proud of their roots and try to do something for the country they came from or their family came from—Andy was one of those people.

Ms. MIKULSKI. Absolutely. I am so pleased, if I may comment, that the Senator brought this to the attention of the full Senate. I will submit my own statement. We would welcome to know how to get in touch with the Athens family. But let me say it to the Senator.

Mr. DURBIN. I thank the Senator from Maryland. I might also add that her former colleague Senator Paul Sarbanes was a dear close friend to Andy Athens. Whenever we would have a meeting of the Hellenic group here in the Capitol, you always knew Paul Sarbanes and Andy Athens were going to be right there in front with the Manatos families and others—a wonderful group, both in Chicago and here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, at the end of a long, hard few days, people probably aren't expecting me to say some positive things about Republicans, but I think it is appropriate to do so.

First of all, the Speaker sent us this bill in a time where we had an opportunity to look at it and work on it. He should be commended, as I do commend him for doing that rather than trying to jam us with something right before the CR expires.

We valiantly tried to make this a better bill, and that has been done because of the outstanding work of Senator MIKULSKI and Senator SHELBY. The product we have is a good product. It funds the government for 6 months, that is all. But it is good because not only does it fund the government for 6 months, it allows us to get back to regular order here, which we have all been talking about doing. Not only is this legislation important but what we are going to do to follow up, to do regular appropriations bills, to fund the government for the fiscal year 2014.

So we have made progress on this bill. We voted on some important matters. But I have to say that I am disappointed in a number of my Democrats and a number of Republicans because we have to compromise and work together to get this done.

As an example, we have five different amendments that have been offered on Egypt. This is a CR for 6 months. We have a functioning Foreign Relations Committee. That is where this should take place. I have spoken with Chairman MENENDEZ. There are people on his committee who are offering various versions of what should happen on Egypt. We all have concerns about Egypt, our funding of Egypt, maintaining stability in the region, supporting Israel. As I have indicated, we have five Senators who have filed five separate, distinct amendments, and, literally, staffs, with Senators, have worked all day coming up with amendments that Democrats and Republicans could agree on. It hasn't been done. That doesn't mean it can't be done, but it hasn't been done.

I would again remind Senators that this is a continuing resolution. A long-term solution to the situation in the Middle East is not a short-term CR. Whatever we do on this bill would expire in 6 months anyway. The issue should be brought up in committee and worked on there and brought to us. That is what my Republican friends have said they wanted, and that is what my Democratic friends have said they wanted. They want to get back to where we do that kind of work.

I thank very much Senators MENENDEZ, RUBIO, LEAHY, MCCAIN—remember, two and two: two Democrats and two Republicans. I appreciate the work they have done. But we haven't been able to merge these different approaches to get something done.

We are behind the scenes around here. Just because you don't see a lot of talking going on here doesn't mean there isn't a lot of work going on. There have been numerous discussions about how to get the amendments into shape so they can be voted on. We can't even get Senators to agree that we should have votes on amendments, unless, ''I want mine.'' ''If he gets his, I want mine.'' So we have had difficulty on both sides to agree on a path forward.

Now, the Speaker has been pretty clear. He has said that unless we get a bill that doesn't have a lot of junk in it—I am paraphrasing what he said to make the point—he is going to strike everything and send us back a straight CR. He said that publicly, not privately. So we need to move forward, cautiously but quickly.

Next week we have something on which we have had speeches on both sides of the Senate—we need to do a budget. As we speak, the Budget Committee is in session working to get a budget so that we can work on it next week.

Now, the budget is defined, how we do it. There is a statute that says there are no filibusters. There are certain ways you can slow it down a little bit, but there is 50 hours. That is how much time we have on it, plus the vote-athon afterward.

So yesterday I filed a motion on the pending substitute and the underlying bill. What I would request—and I have spoken to the managers of this bill—is that they and their staffs make themselves available to Senators and Senators' staff to try to come up with a finite list of amendments—not hundreds but a finite, small list of amendments that we think would improve this bill and not further develop the ire of the Speaker, who is kind of in charge of a lot of what we do around here even though we are on the other side of the Capitol than he is.

The managers have already agreed to be available and their staffs will be available to work on a finite list of amendments. Staffs need to be reasonable, and Senators need to be reasonable.

It is doable. We can do this. If we have a finite list of amendments, we will complete work on this matter Monday. If we don't, then there is not much choice we have except to vote on cloture on Monday. One way or the other, we are going to move forward with this bill on Monday. I hope the Senate will be able to come to a resolution on this important appropriations matter on Monday. We need to do that. I hope this Senate can turn immediately after that to the budget resolution.

I can't say enough how much I appreciate the efforts of Senators MIKULSKI and SHELBY. They have had a very difficult time trying to manage people who at times are unmanageable.

So that is it for tonight. Again, we will go out tonight and have people work to try to come up with a list of amendments that will allow us to move forward on this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know we are going to go out. I thank the majority leader for his kind words. I assure the leader and the Republican leader that the staffs on the Appropriations Committee will be working once again through another weekend to scrutinize these amendments.

We now have 99 amendments pending. In order to properly advise the Senate and to ensure that they would get good scrutiny from both a budgetary standpoint and policy, to be able to consult with one another, it requires us working through the weekend. We are ready to do it. We worked last weekend. Senator SHELBY and I were in frequent contact. We were in frequent contact with our House counterparts, Congressman ROGERS and Congresswoman NITA, who graciously made themselves available to get their view on their lay of the land. So we will do it again.

Every Senator has a right to offer amendments. Every Senator has a right to have his or her day. But I would hope they wouldn't do it all on this amendment or all on this bill.

This is the continuing funding resolution. We have worked with such diligence and such a sense of cooperation and bipartisanship. Our goal is to get the Federal Government funded through the fiscal year October 1 to avoid a government shutdown. This isn't a BARBARA MIKULSKI threat. We have a due date on March 27, when it expires. Congress leaves for the Easter-Passover break next Friday, March 22.

So I would say to my colleagues, now that we have the amendments, we will do our due diligence, and Senators will know our analysis and their own respective staff's analysis.

So on Monday, once again, on the floor will be Shelby-Mikulski, Mikulski-Shelby. We will be ready to move amendments. We need our colleagues ready to move on their own amendments and to cooperate with us on offering them, debating them, and putting them in the sequence that has the greatest leverage to get the job done.

I really can't say enough about the help I have gotten from Senator SHELBY, my vice chairman, the distinguished Senator from Alabama, his staff, and the cooperation we have received from the minority. This is not the usual slamdown party politics. This is a big bill. It is the funding for the government of the United States. There is a lot of pent-up desire to participate in policymaking. Let's keep it not to what we would like to do, but let's keep it to what we must do. What we would like to do can come on the budget next week and can come as we bring up individual bills, where we can really dive deep into the issues and policies and the funding. So let's do what we can.

I would hope that on Monday Senators come ready to really wrap it up because we would have liked to have sent our bill to the House at noon today. Well, it didn't work out that way. So we are ready to do business. We are ready to get the job done. We would love to get this job done Monday night, if we could.

Mr. President, I again thank everyone. I also thank our staffs on both sides of the aisle who have been working so assiduously for the last several weeks to get this bill ready to present to the Senate on the floor and for what they will continue to do to help us do our jobs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to take a few minutes this evening to thank the majority leader, Senator REID, and also the Republican leader, Senator MCCONNELL, for helping us come together, being where we are thus far. I also wish to thank Senator MIKULSKI, the chairperson of the full Committee on Appropriations. We have been working and we have made some progress. We would have liked to have finished this bill tonight. There are a lot of amendments—I think 90-something that Senator MIKULSKI said. I hope people will try to work this weekend and try to get through this.

We need to pass this bill. This is one of the cleanest appropriations bills I have seen since I have been up here. We said no to the Democrats, Senator MIKULSKI has, and I have said no to the Republicans on some things. We have a continuing resolution—I call it a hybrid—with five appropriations bills. We can do this. This would take care of the government—in other words, not go from crisis to crisis—until the end of this fiscal year, September 30, where we can get on the budget and other things.

America is watching us. We are trying to respond in a bipartisan way. I hope we can make a lot of progress this weekend. Our staffs are going to be here working. We are going to be here working. Come Monday, we need to move this bill.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before he leaves the floor, I apologize for not mentioning Senator MCCONNELL. Senator MCCONNELL, when the bill came from the House, stood up for the prerogatives of the Senate.

Mr. SHELBY. Absolutely.

Mr. REID. He said they have done subcommittees. We are going to do our own. I failed to mention my friend Senator MCCONNELL. I am glad you did. Because we are here today, making as much progress as we have, because of Senator MCCONNELL standing up for the Senate.

Mr. SHELBY. Because of both of them. I thank the Senator.

• Mr. COWAN. Mr. President, Senator ELIZABETH WARREN, the distinguished Senior Senator from Massachusetts and I are cosponsors of the Murkowski amendment to the Continuing Appropriations bill. This amendment would provide $150 million in disaster assistance for the fishermen and the fishing communities which received a Department of Commerce disaster declaration last year. This amendment is offset by an across-the-board cut to the Department of Commerce budget in Fiscal Year 2013.

While Senator WARREN and I are cosponsors of this bipartisan amendment, we would strongly prefer that this amendment use an emergency funding designation instead of the offset included in this amendment.

In recent years, Massachusetts fishermen and fishing communities have been struggling to survive amid Federal regulations and environmental changes that have limited fishing opportunities. Last year, the Department of Commerce declared a fishery failure for the Northeast multispecies fishery for the 2013 season.

Last year, the Senate included a $150 million fund in the Senate Hurricane Sandy Supplemental Appropriations bill to assist fisheries disasters, like those in the Northeast using an emergency designation. Unfortunately, this provision was not included in the final Hurricane Sandy Supplemental Appropriations bill due to opposition from Republicans in the House of Representatives.

Senator WARREN and I will continue to do all that we can to provide disaster assistance funding for Massachusetts fishermen and fishing communities.•

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the amendment sponsored by my friend from Alaska, Senator MURKOWSKI, which would provide $150 million in disaster funding for officially declared fisheries disasters.

The funding for declared fisheries disasters is necessary to address the devastating economic consequences of significant projected reductions in the total allowable catch for critical groundfish stocks. In September of last year, the acting Secretary of Commerce, recognizing the economic difficulty fishing communities have faced and will continue to face, declared a federal fisheries disaster for Maine, Rhode Island, Massachusetts, New Hampshire, New York, and Connecticut for the 2013 fishing year. This authority is provided under the Magnuson-Stevens Fisheries Conservation and Management Act and the Interjurisdictional Fisheries Act.

Fishing is more than just a profession in New England. Fishing is a way of life and a significant part of Maine's heritage. There are 45 vessels based in Maine which are actively fishing with Federal groundfish permits. Last year, more than five million pounds of groundfish, with a dockside value approaching $5.8 million, were landed in Maine. Despite strict adherence to rigorous management practices by fishermen, the projected reductions, which may be as high as 73 percent, could devastate groundfishing communities.

The requested funding would be used to provide economic relief to the region's struggling groundfish industry and to make targeted investments which will allow the fleet to survive and become more sustainable in the years ahead. These funds could also be used to fully cover the costs of at-sea monitoring and to address long-term overcapacity in the fishing industry. This is critical to rebuilding fish stocks and preserving a thriving fishing industry well into the future.

Slow recovery and declining fish stocks continue to have a negative impact on commercial fishing, which harms local communities and economies. This federal disaster assistance is vital to the long-term success and short-term survival of fishing communities throughout the region.

I urge adoption of the amendment.

MORNING BUSINESS

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

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

RECOGNIZING TONY POMERLEAU'S GENEROSITY

Mr. LEAHY. Mr. President, I have spoken many times on the floor of the Senate about Antonio Pomerleau of Burlington, VT. As my wife, Marcelle, has often said, he is her ''favorite Uncle Tony.'' Given his extraordinary service and dedication to the people of our state, it is safe to say that he is every Vermonter's ''favorite Uncle Tony.''

Tony has done so much for so many, from his enormously generous contribution to help the survivors of Hurricane Irene, through his constant and generous support of our Vermont National Guard and their families, to most recently his large donation to the Community Health Centers of Burlington, in memory of his daughter, Anne Marie.

Marcelle and I of course knew her cousin Anne Marie, and we warmly remember her spirit and her life. Even though health problems nearly immobilized her toward the end, the cheer, love and friendship she gave—not only to members of the family but to everyone else—was a treasure in all of our lives. Tony continues to lift Vermonters' spirits and make lives better in so many ways. I have an article from The Burlington Free Press that highlights yet another token of Uncle Tony's generosity.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the Burlington Free Press, Mar. 6, 2013]

POMERLEAU GIVES TO HEALTH CENTERS—COMMUNITY HEALTH CENTERS OF BURLINGTON RECEIVE $200,000 GIFT

''You people deserve the thanks for the outstanding work you do,'' Burlington businessman Tony Pomerleau told a small crowd Wednesday afternoon at the Riverside Health Center. ''I just come up with the money, that's all.''

Applause and cheers greeted Pomerleau's announcement of a $200,000 donation to Community Health Centers of Burlington in memory of his daughter, Anne Marie.

''This is a large gift for us,'' beamed Jack Donnelly, the executive director of the centers.

He said the sum would be dedicated to the nonprofit's Homeless Health Care Program.

Specifically, Donnelly said, it will fund improvements to the basement at Safe Harbor Health Center at South Winooski Avenue and King Street—one of the Community Health Centers' four facilities in Burlington.

Director of Community Relations Alison Calderara summarized the centers' mission: It provides sliding-scale health, dental and human services; and includes low-cost prescription programs, social work support and interpreters for non-English speaking patients.

Soon after Wednesday's fanfare subsided, it segued into mid-day sandwiches.

The philanthropist made himself comfortable in an armchair and indulged in a little storytelling.

It turns out that Pomerleau has good reason to be grateful for easy access to health care: When he was 2 or 3 years old he tumbled into the basement of his family's summer kitchen.

''I wore a cast iron brace for four years,'' he said.

His parents regularly took the boy 50 miles north by train to Sherbrooke, Quebec, for treatment.

For Pomerleau, who is in his mid-90s now, the half-dozen years after the accident remain a blank.

''The lights came on when I was seven or eight,'' he said. ''The doctors told my parents I might reach 10, but I'd never reach 12.''

''I'd been awake, of course,'' Pomerleau continued. ''I'd learned English in school; I'd grown—but I don't remember anything.

''Now, people say I remember too much,'' he said.

SEQUESTER MITIGATION

Mr. UDALL of Colorado. Mr. President, I rise today to talk about the bipartisan UdallCollins flexibility plan, which is designed to help mitigate the damaging effects of the automatic spending cuts our country now faces, commonly called the sequester. If left unchanged, these indiscriminate sequester cuts will undermine services that hardworking families rely on and harm our economic growth during this fragile recovery.

So what is the sequester and how did our politics deteriorate so badly that we are left to watch as this self-inflicted wound is leveled on our country? It boils down to two problems that both Democrats and Republicans readily acknowledge deserve our attention: our national deficit and debt. In some ways it is just as the President has described it: a matter of pure math. The Federal Government is spending more than it is taking in and that picture is not projected to change in the long run—in fact, it is projected to get worse.

And this has been a long time coming. In 2010, I was part of a core group of Senators who urged the White House to establish a bipartisan fiscal commission that would help us address our debt and deficit. The administration heard our call and established a debt and deficit panel to recommend a balanced and comprehensive way to get our fiscal house in order. Their plan, as you know Mr. President, is now commonly referred to as the Simpson-Bowles plan. Former Republican Wyoming Senator Al Simpson and Former Clinton Chief of Staff Erskine Bowles led the effort and both Democrats and Republicans here in the Senate embraced the framework that pushed for spending cuts, raising revenue and responsibly reforming our entitlements. With bipartisan support for such a balanced plan, it should have been an open-and-shut case, which is why I endorsed the idea and repeatedly encouraged my colleagues to bring it to the floor for a vote.

The problem is that it doesn't just take some bipartisanship to get anything done around here; it takes a lot of bipartisanship—60 votes in the Senate and 218 votes in the House of Representatives. Ideologues on both sides of the aisle and in both chambers have since dug in their heels, totally unwilling to set aside differences to reach a compromise.

So that brings us back to the sequester. Because Congress cannot agree on a balanced and bipartisan plan to reduce the deficit, we are left with these automatic and blunt across-the-board cuts.

There is no doubt that we must reduce the deficit, which is why I have been saying for months that we ought to bring forward the Simpson-Bowles plan and find a way to achieve deficit reduction in a more thoughtful and strategic way. That approach would include additional revenue and shoring up our entitlements. In theory, many of my colleagues on both sides of the aisle agree with this approach. But at the end of the day, there just aren't enough of them with the courage to support a balanced, deficit-reduction plan. We owe it to the American people to be honest. Let's just acknowledge that we have reached an impasse.

And until there are enough Members willing to make the difficult decisions we are left with these terrible and indiscriminate cuts to our Government. Let's get it straight: the sequester is not a solution. It is neither smart, nor strategic—it wasn't designed to be. I firmly believe that the sequester will leave our Government frayed and our economy weakened.

The sheer magnitude of the sequester cuts will not only damage our economy, but will also put our national security at a level of risk that could have been avoided had Congress exercised the courage to pass a bipartisan and balanced plan. We can do better, and the Udall-Collins plans suggests that there are more reasonable ways to find these savings than implementing blunt, thoughtless cuts.

Our plan says, ''Wait a minute, if we really have to live with these terrible cuts, shouldn't we at least be strategic about how and where we make them?''

The proposal that Senator COLLINS and I have put forward is not about providing flexibility to choose between cutting children's education funding in New York City versus Kansas City. Our plan simply provides the administration and Congress with the flexibility to look at where our Government's highest-value investments are so we can continue to invest in them, while cutting back in areas that do not provide mission-critical value for Americans.

While there are still difficult decisions to make and tough choices to confront, the best way forward is through a collaborative process between the administration and Congress—as the Udall-Collins plan would provide.

Last week, the Senate voted down a politically motivated flexibility proposal. Senator COLLINS and I are not

interested in proposing a partisan plan. Instead, we offer a plan that is both reasonable and feasible because it calls for strategic decision-making that allows for the least disruption possible for our constituents as the executive branch implements $85 billion in spending cuts over the next 7 months.

Further underscoring the need for a comprehensive flexibility plan, several members of Congress introduced this week amendments to a funding bill called a continuing resolution that propose flexibility in implementing sequestration for individual agencies or departments that were immediately hit by the effects of the automatic budget cuts. These amendments are mainly focused on providing flexibility for particular agencies, while the bipartisan Udall-Collins approach proactively provides for strategic decision-making and flexibility across all agencies in our Government.

Coloradans know we are all in this together. When the pioneers had a wagon train breakdown, they didn't quibble about who was to blame. They fixed the wheel. When bad weather rolled in while crossing the divide, they didn't argue about who put them in harm's way—they came together and supported each other in order to survive.

In that vein, we ought to continue working on a Simpson-Bowles inspired plan that raises revenue by closing tax loopholes and asks the well-off to do a little more, reforms our entitlements to shore them up over the long term, and finds areas of our budget where we can pare back Government spending. If we can finally agree on a balanced solution like this, we would—in effect—fix the wagon wheel and get us through the storm so that we can move on to the other serious challenges confronting our country, like energy and immigration reform, fighting terrorists and building an economy that is set to lead the global economic race.

At this point, we are left with very few workable options. The sequester will be damaging no matter what, but let's work together to ensure its impact is not unnecessarily debilitating to our Government, our national security, and our economy. Most importantly, let's not do unnecessary harm to hardworking, middle-class families across this Nation.

I urge my colleagues to join Senator COLLINS and me in supporting our amendment to give Congress and the White House the authority to more strategically implement the sequestration cuts. By working together, we can make the best out of a bad situation and agree on a wholesale, balanced and bipartisan plan to address our fiscal imbalances.

WHITE CLAY CREEK WILD AND SCENIC RIVER EXPANSION ACT

Mr. COONS. Mr. President, today the Senate Energy and Natural Resources Committee voted to endorse a bill I introduced that would add approximately 9 miles of White Clay Creek and its tributaries to the existing Wild and Scenic Rivers designation for the waterway. The White Clay Creek Wild and Scenic River Expansion Act of 2013 (S.393) now awaits consideration by the full Senate, which passed this legislation with bipartisan support during the 112th Congress.

Growing up, I spent considerable time in the White Clay Creek watershed and know that it is an important resource for Delaware and the region. Years ago, my grandmother donated some of her land along the banks of White Clay Creek to help protect it. It is up to all of us to fight to protect our natural resources. I look forward to continuing to work with my colleagues to get this legislation passed by the full Senate.

The legislation, which comes at no cost to taxpayers, would expand the original Wild and Scenic Rivers designation to include two small stream sections that were omitted from the original designation, including a 1.6-mile stretch of Lamborn Run in Delaware that was originally omitted due to its consideration as an option for a dam to supply drinking water for northern Delaware. It has since been removed from consideration and New Castle County is supportive of the designation.

The bill also includes a 7.4-mile stretch of stream in Pennsylvania's New Garden Township that was originally omitted due to its consideration for a dam. That consideration has since been withdrawn and the township is now supportive of the designation.

In February, Representative JOSEPH PITTS (R-Pa.) and I reintroduced the White Clay Creek Wild and Scenic River Expansion Act in our respective chambers. Senator TOM CARPER, as well as Rep. JOHN CARNEY are cosponsors.

In 2000, Congress designated a large majority of White Clay Creek and its tributaries as part of the National Wild and Scenic Rivers System. Then-Senator Joe Biden was the lead sponsor for the Senate bill and Representative Mike Castle was the lead sponsor for the House version. This marked the first time a whole watershed, rather than individual river segments, had been designated into the system. The proposal to expand the designation was led by former Senator Ted Kaufman in the Senate and Representative PITTS in the House.

The 69,000-acre White Clay Creek watershed is home to 33 species of mammals, 21 species of fish, 27 species of reptiles and amphibians, and over 90 species of birds. White Clay Creek is also stocked with brown and rainbow trout, and is an important resource for fishermen. Protected land in the watershed also provides recreational opportunities for hikers, bikers, birders, hunters, and others. White Clay Creek and the Cockeysville aquifer that lies beneath portions of the watershed are important sources of drinking water for over 128,000 citizens in Pennsylvania and Delaware.

The bill is supported by the White Clay Creek Watershed Management Committee, which is comprised of 40 local, State, and Federal agency representatives, as well as organizations and businesses. Among its members are the National Park Service, Delaware Department of Natural Resources and Environmental Control, New Castle County Department of Land Use, London Britain Township, United Water Delaware, White Clay Outfitters, the Brandywine Conservancy, the Delaware Ornithological Society, Stroud Water Research Center, Chester County Planning Division, and SE Regional Office Pennsylvania Department of Conservation & Natural Resources.

The Senate Committee on Energy and Natural Resources also voted to pass the First State National Historical Park Act (S. 347), a bill authored by Senator CARPER, of which I am an original cosponsor. I was proud to lead my colleagues on the Energy and Natural Resources Committee in voting to bring Delaware one step closer to its first national park. For more than a decade, Senator CARPER has worked tirelessly to bring a national park to our State. A national park will preserve and celebrate our State's vibrant history while boosting Delaware's economy and creating jobs. Senator CARPER and I will continue to work together toward passage in the full Senate.

TRIBUTE TO NANCY LEE BASS

Mr. CORNYN. Mr. President, with the passing of Nancy Lee Bass, the State of Texas has lost one of its finest citizens. I consider it a great honor to have known Nancy and her husband, Perry, and I join a grateful State in mourning her passing and celebrating the remarkable life she led.

A native daughter of Fort Worth, Nancy dedicated her life to her city. A mother of four, she was a community leader and philanthropist of the highest order, working endlessly for the greater good of her fellow citizens. Nancy's generosity was matched by her hard work and her unyielding support of the arts, health care services, and education. Her good works have touched the lives of countless people, not just in Fort Worth and Texas, but across our country.

Nancy Lee Bass has left a legacy of generosity that epitomizes the highest ideals of our great State. She will be missed, but we will find solace in the notion that her giving spirit will forever live on as both an inspiration and an aspiration for all Texans.

ADDITIONAL STATEMENTS

TRIBUTE TO PRESTON HENNE

• Mr. ISAKSON. Mr. President, I am proud to honor on the floor of the Senate, Mr. Preston ''Pres'' Henne, for his

44-year career in the aerospace industry as he prepares for his retirement from Gulfstream Aerospace on March 31, 2013, as senior vice president for Programs, Engineering and Test.

During Pres' 19 years with Gulfstream, he was responsible for leading the teams that designed, developed, tested and certified the Gulfstream V and G550 aircraft. This earned him the Robert J. Collier trophies from the National Aeronautics Association in 1997 and 2003, respectively, which are awarded annually for the greatest achievement in aeronautics and astronautics in North America.

Under Pres' direction, Gulfstream developed and certified six new aircraft, the G650, G550, GV, G450, G280 and G150. In conjunction with these new products, Pres was also responsible for launching a number of industry-leading product enhancements, including the Gulfstream Enhanced Vision System and Synthetic Vision-Primary Flight Display.

Most recently, Pres oversaw the development of the company's much-anticipated G650, one of the world's most sophisticated business-jet aircraft. The G650, which entered service in 2012, was designed with technological advances such as a digital fly-by-wire system, triplex flight management systems, auto emergency descent and enhanced and synthetic vision systems. Pres also supervised the design and development of the G280, an aircraft that has been noted for its best-in-class performance, cabin comfort and technology.

From my conversations with Gulfstream officials and my knowledge of Pres' tremendous accomplishments, I know that the loss will be great. However, with the team Pres has led and his strong vision, I have no doubt the future of Gulfstream is as bright as Pres' own future beyond Gulfstream. Congratulations to Pres on taking the next steps in life.●

MESSAGE FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 890. An act to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

MEASURES REFERRED

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

H.R. 890. An act to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 558. A bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity outside the United States.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 582. A bill to approve the Keystone XL Pipeline.

S. 583. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

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–812. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tetrachlorvinphos; Extension of Time-Limited Interim Pesticide Tolerances'' (FRL No. 9380–9) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–813. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General James N. Mattis, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–814. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Economic Development Conveyances Report to Congress''; to the Committee on Armed Services.

EC–815. A communication from the Secretary of Defense, transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2012; to the Committee on Armed Services.

EC–816. 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–2013–0002)) received in the Office of the President of the Senate on March 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–817. 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; Ohio; Cleveland-Akron-Lorain and Columbus 1997 8-Hour Ozone Maintenance Plan Revisions to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9790–2) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Environment and Public Works.

EC–818. 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; Georgia; Control Techniques Guidelines and Reasonably Available Control Technology'' (FRL No. 9791–1) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Environment and Public Works.

EC–819. 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 State Implementation Plans; Idaho'' (FRL No. 9791–2) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Environment and Public Works.

EC–820. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Consent Decree Requirements'' (FRL No. 9789–9) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Environment and Public Works.

EC–821. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to Ambient Nitrogen Dioxide Monitoring Requirements'' (FRL No. 9789–2) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Environment and Public Works.

EC–822. 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 ''Work Opportunity Tax Credit Transition Relief'' (Notice 2013–14) received in the Office of the President of the Senate on March 11, 2013; to the Committee on Finance.

EC–823. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13–011, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–824. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the notification that groups designated by the Secretary of State as Foreign Terrorist Organizations will be published in the Federal Register; to the Committee on Foreign Relations.

EC–825. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC–826. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received in the Office of the President of the Senate on March 12, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–827. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer

Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on March 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–828. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food and Color Additives; Technical Amendments'' (Docket No. FDA–2012–N–0010) received in the Office of the President of the Senate on March 11, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–829. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation Findings—Performance Improvement 2011–2012''; to the Committee on Health, Education, Labor, and Pensions.

EC–830. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the fourth quarter of fiscal year 2012 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 150. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LEE:

S. 560. A bill to provide that the individual mandate under the Patient Protection and Affordable Care Act shall not be construed as a tax; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Mr. LEVIN, and Mrs. BOXER):

S. 561. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BARRASSO, and Mr. MERKLEY):

S. 562. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. CORKER (for himself, Mr. WARNER, Mr. VITTER, and Ms. WARREN):

S. 563. A bill to provide certainty that Congress and the Administration will undertake substantive and structural housing finance reform, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 564. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 565. A bill to provide for the safe and reliable navigation of the Mississippi River, and for other purposes; to the Committee on Environment and Public Works.

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

S. 566. A bill to establish a pilot program to evaluate the cost-effectiveness of allowing non-Federal interests to carry out certain water infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 567. A bill to improve the retirement of American families by strengthening Social Security; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. RUBIO, Mr. CORNYN, Mr. HELLER, Mr. NELSON, Mr. SCHUMER, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mrs. FEINSTEIN):

S. 568. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWN:

S. 569. 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; to the Committee on Finance.

By Mr. BENNET:

S. 570. A bill to establish a competitive grant program in the Department of Energy to provide grants to States and units of local government to carry out clean energy and carbon reduction measures, to close big oil company tax loopholes to pay for the competitive grant program and reduce the deficit, and for other purposes; to the Committee on Finance.

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

S. 571. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. BOOZMAN, Mr. WICKER, Mr. RISCH, Mr. MORAN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. THUNE, Mr. ENZI, Mr. VITTER, Mr. CRAPO, and Mr. INHOFE):

S. 572. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself, Mr. LEAHY, and Mr. CARPER):

S. 573. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 574. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf of Mexico to Baton Rouge, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 575. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNS (for himself and Mr. TESTER):

S. 576. A bill to reform laws relating to small public housing agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON (for himself, Mr. REID, and Mr. SCHUMER):

S. 577. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Finance.

By Mrs. HAGAN:

S. 578. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. INHOFE, and Mr. COATS):

S. 579. A bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN:

S. 580. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. COATS (for himself and Mr. DONNELLY):

S. 581. A bill to amend section 1105(a) of title 31, United States Code, to require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit, and for other purposes; to the Committee on the Budget.

By Mr. HOEVEN (for himself, Mr. BAUCUS, Mr. ROBERTS, Mr. PRYOR, Mr. VITTER, Ms. HEITKAMP, Mr. CORNYN, Mr. BEGICH, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. RISCH, Mr. MANCHIN, Mr. BARRASSO, Mr. TESTER, Mr. DONNELLY, and Mr. PORTMAN):

S. 582. A bill to approve the Keystone XL Pipeline; read the first time.

By Mr. PAUL (for himself, Mr. WICKER, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. COATS, Mr. COBURN, Mr. ENZI, Mrs. FISCHER, Mr. GRASSLEY, Mr. HOEVEN, Mr. INHOFE, Mr. MORAN, Mr. RISCH, Mr. THUNE, and Mr. JOHANNS):

S. 583. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; read the first time.

ADDITIONAL COSPONSORS

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 169

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 214

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 214, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 289

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 289, a bill to extend the low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration.

S. 336

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 336, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 369

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 369, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 370

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 370, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 413

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program.

S. 415

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 415, a bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes.

S. 482

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 482, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 511

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 511, a bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program, and for other purposes.

S. 545

At the request of Mr. BENNET, his name was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. NELSON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

AMENDMENT NO. 28

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 28 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 29

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of amendment No. 29 proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 43

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 43 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 47

At the request of Mr. HOEVEN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 47 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 55

At the request of Mr. MORAN, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Idaho (Mr. RISCH), the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 55 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 60

At the request of Mr. BEGICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 60 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 72

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Kansas (Mr. MORAN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 72 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 74

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 74 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 76 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 82

At the request of Mr. COONS, his name was added as a cosponsor of

amendment No. 82 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 82 intended to be proposed to H.R. 933, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BARRASSO, and Mr. MERKLEY):

S. 562. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am honored to join my colleague from Wyoming, Senator JOHN BARRASSO, in introducing a bill essential to enhancing the delivery of mental health services to our senior citizens, The Seniors Mental Health Access Improvement Act.

Currently, there are limitations on the types of mental health practitioners who may be reimbursed for services in the Medicare program. Our legislation permits mental health counselors and marriage and family therapists to bill Medicare for their services, and it pays them at the rate of clinical social workers. With this legislation, seniors will have more opportunities as part of their Medicare benefit to access professional mental health counseling assistance.

Throughout the United States there are approximately 77 million older adults living in 3,000 so-called ''mental health profession shortage areas.'' Moreover, 50 percent of rural counties have no practicing psychiatrists or psychologists. Seniors living in these areas will be the primary beneficiaries of our efforts.

Mental health counselors and marriage and family therapists are often the only mental health providers in some communities, and yet presently they are not recognized as covered providers within the Medicare program. These therapists have equivalent or greater training, education and practice rights as some existing provider groups that can bill for their services through Medicare.

Additionally, other government agencies, including The National Health Service Corps, the Veteran's Administration and TRICARE, already recognize these mental health professionals and reimburse for their services. We need to utilize the skills of these providers and ensure that seniors have access to them. These professionals play a critical role in the delivery of our Nation's mental health care.

In Oregon, the passage of this legislation will focus the talents of over 2,000 additional qualified providers on the mental health issues of one of our most vulnerable populations. This represents a commonsense approach to relieving a persistent and chronic healthcare workforce shortage.

Finally, I commend our mental health professionals nationwide, for their dedicated work and efforts, and I encourage passage of this legislation.

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. 562

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 ''Seniors Mental Health Access Improvement Act of 2013''.

SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (EE), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (FF), by inserting ''and'' after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

''(GG) marriage and family therapist services (as defined in subsection (iii)(1)) and mental health counselor services (as defined in subsection (iii)(3));''.

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

''(iii)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(2) The term 'marriage and family therapist' means an individual who—

''(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

''(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

''(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(4) The term 'mental health counselor' means an individual who—

''(A) possesses a master's or doctor's degree in mental health counseling or a related field;

''(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.''.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

''(v) marriage and family therapist services (as defined in section 1861(iii)(1)) and mental health counselor services (as defined in section 1861(iii)(3));''.

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)) is amended—

(A) by striking ''and (Z)'' and inserting ''(Z)''; and

(B) by inserting before the semicolon at the end the following: '', and (AA) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(GG), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)''.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''marriage and family therapist services (as defined in section 1861(iii)(1)), mental health counselor services (as defined in section 1861(iii)(3)),'' after ''qualified psychologist services,''.

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

''(vii) A marriage and family therapist (as defined in section 1861(iii)(2)).

''(viii) A mental health counselor (as defined in section 1861(iii)(4)).''.

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking ''or by a clinical social worker (as defined in subsection (hh)(1))'' and inserting '', by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (iii)(2)), or by a mental health counselor (as defined in subsection (iii)(4))''.

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is

amended by inserting '', marriage and family therapist, or mental health counselor'' after ''social worker''.

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS TO DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting '', including a marriage and family therapist and a mental health counselor who meets qualification standards established by the Secretary'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2014

By Ms. MURKOWSKI:

S. 564. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, we often hear refrains of the need to make government policies more fair, clear, or simple—especially when these policies involve the collection of fees or taxes. Today I rise to introduce legislation to fix an inherently unfair policy by prohibiting the Federal Energy Regulatory Commission from charging land-use fees for hydropower projects that are no longer located on Federal land.

FERC is responsible for licensing private, municipal and state hydropower projects. Pursuant to the Federal Power Act, the Commission is authorized to collect fees from project owners for those hydro projects located on Federal lands. The rationale behind these land-use fees is to recompense the United States for the ''use, occupancy, or enjoyment'' of its Federal lands. The Federal Government is, in some sense, a landlord for these types of projects, and can collect just and reasonable rent from its tenants. The current level of these rents is a separate issue but today I am focused on how a technicality in Federal law allows the government to continue to collect land-use fees even when the land at issue has been transferred out of Federal ownership. Under current law, if the Federal Government sold the land underneath a hydropower project to the operator, or transferred it into state ownership, FERC can continue to assess full land use fees against the operator. This untenable situation is like a landlord continuing to collect rent from a tenant even after the tenant buys the house outright.

While the inherent unfairness of such a scenario is clear, the statutory and regulatory web that has created this snare is extremely complex. In addition to allowing for the collection of Federal land-use fees, the Federal Power Act also contains a section regarding Power Site Classifications, or PSCs. A PSC attaches to the land when a preliminary hydropower license application is made, and entitles the government, or its designees, to enter the associated land and develop a hydropower project if some other person or operation is occupying it. These classifications are similar to easements, in that they permanently attach to the title of the lands. The purpose of PSCs is to make sure that hydropower can be developed in the limited number of areas on Federal land that are suitable, and furthermore that once such an area is identified by a preliminary application, that the site is not then diverted to an alternate use.

However, FERC has interpreted the statutory fee collection provisions to give these PSCs another affect that is not in keeping with this purpose—to charge land-use fees from existing hydropower operators in cases where the Federal Government no longer owns the land. In such a case, there is no need for a PSC to preserve the hydropower value of land as it is already being used for power production. Nor is the Federal Government somehow missing out on other beneficial uses of the land, because it no longer owns the land at issue.

When I first learned of this issue, I asked FERC for a list of the hydropower projects for which it was collecting these PSC-based Federal land-use fees. I also asked the Department of the Interior, which maintains our Federal lands, for assistance. Unfortunately it appears that the government has not been diligent in keeping track of which projects are located on lands that have since been transferred away from Federal ownership as neither agency was able to produce a list of impacted projects.

Consequently, my staff attempted to survey the number of affected projects by consulting with both the National Hydropower Association and the Alaska Power Association. This search identified 15 possible projects subject to these PSC land use fee collections—11 of which are located in my home State of Alaska. While some may dismiss these fees as being relatively minor, I can tell you that these annual Federal fees for land not even owned by the Federal Government can represent a significant hardship for my constituents.

The bill I am introducing today would put a halt to this kind of fee collection. It simply says that when FERC is making fee determinations, it cannot take PSCs into account. Therefore, the only land that the Federal Government will be able to collect ''use, occupancy, and enjoyment'' fees for is land that it actually owns. I hope all of my colleagues can agree this treatment is a fair resolution of the issue and I ask for their support.

By Mr. DURBIN:

S. 565. A bill to provide for the safe and reliable navigation of the Mississippi River, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to discuss two bills I am introducing—one to maintain navigation on the Mississippi River during extreme weather and the second, to improve the Nation's water infrastructure, including locks and dams on the Mississippi and Illinois Rivers.

For many of us, last year's low water event on the Mississippi River is still fresh in our minds. We came close to economic catastrophe when ongoing drought conditions in the Midwest led to the lowest water levels seen on the Mississippi River since World War II and threatened to disrupt the movement of billions of dollars in goods on the river. At the height of the crisis at the end of 2012, Waterways Council and the American Waterways Operators estimated that up to $7 billion in goods could be effected by a river closure from December to January.

The worst conditions for navigation were near Thebes, IL, in a stretch of river referred to as the Middle Mississippi. It begins at the confluence of the Missouri River and ends at Cairo, IL where the Ohio and Mississippi Rivers merge. The natural bends and twists of the river here combined with naturally occurring rock formations on the river bed make this stretch particularly difficult to navigate during periods of extreme low water. To pass, barges were forced to carry lighter loads than normal, reducing efficiency and costing them money.

Only through better than expected rainfall, Congress pushing the Army Corps to expedite removal of rock pinnacles at Thebes, and some creative reservoir management was the river able to stay open and the worst case scenarios able to be avoided this time. For the Corps' part, it was an amazing fete and they should be commended for their successful efforts.

But we know from Hurricane Katrina to Sandy, from severe flooding on the Mississippi River in 2011 to the historic low water in 2012, extreme weather seems to be the new normal—becoming more frequent and more severe.

The Mississippi River Navigation Sustainment Act seeks to make government and commercial navigation users better prepared for the next extreme weather event that threatens navigation. I am pleased that Representatives BILL ENYART and RODNEY DAVIS are introducing companion legislation in the House.

The bill authorizes the Corps to conduct a study to better coordinate management of the entire Mississippi River Basin during periods of extreme weather. This will ensure that the U.S. Army Corps of Engineers takes into account the effect the entire basin has on navigation and flood control efforts on the Mississippi River.

The Mississippi River Basin is the third largest watershed in the world and covers more than 40 percent of the contiguous United States. It doesn't take a PhD in hydrology to know that what happens on other systems in the

watershed affects the Mississippi River and activities on it.

This bill will also improve river forecasting capabilities through the increased use of tools like sedimentation ranges and the deployment of additional automated river gages on he Mississippi and its tributaries. During the latest low water event, many of the manual gages—sometimes literally lines painted on bridges—became unusable because the water was so low. Improving the ability to accurately forecast and provide information on current river conditions will help barge operators and shippers who have to make long term business decisions based on this information. Operators leaving Minnesota need to know that when they get to Thebes, river conditions will allow them to pass.

The bill will also provide flexibility to the Army Corps to conduct certain operations outside of the authorized channel if such action is deemed necessary to maintaining commercial navigation. This authority would be used to maintain access to loading docks and other critical infrastructure during periods of low water. In addition, it will allow the Corps to better assist the Coast Guard in managing traffic on the river during low water events by providing areas for barge operators to moor their vessels farther away from the navigation channel, leading to increased safety and greater ability to keep the navigation channel clear.

Finally, recognizing that the Mississippi River is a vital natural resource, this bill will create an environmental pilot program in the Middle Mississippi River. This will give the Army Corps the authority to restore and protect fish and wildlife habitat in this portion of the river while conducting activities to maintain navigation.

Also key to maintaining navigation and commerce on the Mississippi and other inland waterways, is continued investment in water infrastructure.

For example, the locks and dams on the upper Mississippi River and Illinois Rivers, built in the 30's and 40's, are aging, making the risk of failure an ever increasing prospect. In addition, the lock chambers are too small to accommodate today's standard barge configuration helping lead to an average delay of more than 4 hours for passing vessels.

That is why I worked with my colleagues in Missouri and Iowa in the 2007 Water Resources and Development Act to authorize the Navigation and Ecosystem Sustainability Program which would expand and modernize these locks while restoring the ecosystem on the Upper Mississippi.

Modernizing these locks means safer, more reliable, and drastically more efficient navigation. Operators and shippers alike would benefit—barge companies could maximize efficiency while Illinois farmers and others could reliably get their products to market.

Unfortunately, under current project delivery processes and Federal fiscal realities, the first benefits of this modernization are not expected to be felt by the navigation industry before 2047. And that was before sequestration. Between sequestration and the continuing resolution being debates on the Senate floor now, the Corps' construction budget for fiscal year 13 would be cut by approximately $80 million. Even before all of that, the Corps estimated a project backlog of approximately $60 billion.

It is clear we need a new model—one that speeds up the process of planning and constructing these projects in the face of an often slow bureaucratic process and brings to the table greater private investment while the Federal Government is cutting back.

That is what Senator KIRK and I are proposing with the Water Infrastructure Now Public-Private Partnership Act. I am proud that Representatives BUSTOS and DAVIS have introduced companion legislation in the House.

The bill will create a pilot program to allow the Army Corps of Engineers to enter into agreements with non-federal partners using new and creative models to finance and construct up to 15 previously-authorized flood damage reduction, hurricane and storm damage reduction, and navigation projects.

I am hopeful that this program will provide a way to maintain our investments in important water infrastructure projects even as we face severe fiscal restraints by creating a greater opportunity for private interests to come to the table.

At the same time, the bill would take care to protect previous taxpayer investments by prohibiting any privatization of Federal assets and requiring a study to show that any proposed agreement would actually provide a public benefit.

For many of these long-stalled, large scale infrastructure projects, like the Locks and Dams on the Mississippi and Illinois Rivers, this common sense bill could provide a way forward.

Together, the Mississippi River Navigation Sustainment Act and the Water Infrastructure Now Public-Private Partnership Act, represent positive steps forward in the effort to maintain the economic viability of the Mississippi River and protect our inland waterway system against threats from extreme weather and aging infrastructure. I hope my colleagues will join me in cosponsoring these common sense measures.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 565

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 ''Mississippi River Navigation Sustainment Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Mississippi River is the largest, most famous river in the United States and a vital natural resource;

(2) the Mississippi River Basin is the third largest watershed in the world, covering more than 1,000,000 square miles and approximately 40 percent of the continental United States;

(3) the rivers, tributaries, and reservoirs that make up the Mississippi River Basin operate naturally as a system and any attempt to operate projects within the Mississippi River Basin by mankind should take this fact into consideration;

(4) the Mississippi River is the backbone of the inland waterway system of the United States and a crucial artery for the movement of goods;

(5) each year millions of tons of commodities, including grain, coal, petroleum, and chemicals, representing billions of dollars are transported on the Mississippi River by barge;

(6) the Mississippi River is home to some of the busiest commercial ports in the United States, including the Port of New Orleans and the Port of St. Louis;

(7) safe and reliable navigation of the Mississippi River is vital to the national economy;

(8) extreme weather events pose challenges to navigation and life along the Mississippi River and are likely to become more severe and more frequent in the coming years, as evidenced by the devastating floods along the Mississippi River in 2011 and the near historic low water levels seen on the same stretch of the Mississippi River in the winter of 2012-2013;

(9) the American Waterways Operators and the Waterways Council, Incorporated have estimated that a disruption of navigation on the Mississippi River due to low water levels between December 2012 and January 2013 would have negatively impacted 20,000 jobs and $7,000,000,000 in cargo;

(10) the Regulating Works Program of the St. Louis District of the Corps of Engineers is critical to maintaining navigation on the middle Mississippi River during extreme weather events and should receive continued Federal financial assistance and support; and

(11) the Federal Government, commercial users, and others have a shared responsibility to take steps to maintain the critical flow of goods on the Mississippi River during extreme weather events.

SEC. 3. DEFINITIONS.

(a) EXTREME WEATHER.—The term ''extreme weather'' means—

(1) severe flooding and drought conditions that lead to above or below average water levels; or

(2) other severe weather events that threaten personal safety, property, and navigation on the inland waterways of the United States.

(b) GREATER MISSISSIPPI RIVER BASIN.—The term ''greater Mississippi River Basin'' means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(c) LOWER MISSISSIPPI RIVER.—The term ''lower Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico.

(d) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Missouri River and flows to the lower Mississippi River.

(e) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 4. GREATER MISSISSIPPI RIVER BASIN EXTREME WEATHER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary shall carry out a study of the Mississippi River Basin—

(1) to improve the coordinated and comprehensive management of water resource projects in the greater Mississippi River Basin relating to extreme weather conditions; and

(2) to evaluate the feasibility of any modifications to those water resource projects and develop new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(b) CONTENTS.—The study shall—

(1) identify any Federal actions necessary to prevent and mitigate the impacts of extreme weather, including changes to authorized channel dimensions, operational procedures of locks and dams, and reservoir management within the Mississippi River Basin;

(2) evaluate the effect on navigation and flood risk management to the Mississippi River of all upstream rivers and tributaries, especially the confluence of the Illinois River, Missouri River, and Ohio River;

(3) identify and make recommendations to remedy challenges to the Corps of Engineers presented by extreme weather, including river access, in carrying out its mission to maintain safe, reliable navigation; and

(4) identify and locate natural or other potential impediments to maintaining navigation on the middle and lower Mississippi River during periods of low water, including existing industrial pipeline crossings.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out the study, the Secretary shall—

(1) consult with appropriate committees of Congress, Federal, State, tribal, and local agencies, environmental interests, river navigation industry representatives, other shipping and business interests, organized labor, and nongovernmental organizations;

(2) to the maximum extent practicable, use data in existence on the date of enactment of this Act; and

(3) incorporate lessons learned and best practices developed as a result of past extreme weather events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012-2013.

(d) COST-SHARING.—The Federal share of the cost of carrying out the study under this section shall be 100 percent.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section.

SEC. 5. MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(1) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(A) the construction of additional automated river gages;

(B) the rehabilitation of existing automated and manual river gages; and

(C) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(2) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(3) deploying additional automatic identification system base stations at river gage sites.

(b) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out by the Secretary under this section.

SEC. 6. CORPS OF ENGINEERS FLEXIBILITY IN MAINTAINING NAVIGATION.

(a) IN GENERAL.—If the Secretary determines it to be critical to maintaining safe and reliable navigation, the Secretary—

(1) in consultation with the department in which the Coast Guard is operating, may construct ingress and egress paths to docks, loading facilities, fleeting areas, and other critical locations outside of the authorized navigation channel on the Mississippi River; and

(2) operate and maintain, through dredging and construction of river training structures, ingress and egress paths to loading docks and fleeting areas outside of the authorized navigation channel on the Mississippi River.

(b) MITIGATION.—The Secretary may mitigate through dredging any incidental impacts to loading or fleeting areas outside of the authorized navigation channel on the Mississippi River that result from operation and maintenance of the authorized channel.

SEC. 7. MIDDLE MISSISSIPPI RIVER ENVIRONMENTAL PILOT PROGRAM.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary shall carry out for a period of not less than 10 years, a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analyses necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirements under the provisions of law described in subsection (a) for the project described in that subsection shall apply to any activities carried out under this section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

S. 566

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 ''Water Infrastructure Now Public-Private Partnership Act'' or the ''WIN P3 Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) investment in water infrastructure is critical to protecting property and personal safety through flood, hurricane, and storm damage reduction activities;

(2) investment in infrastructure on the inland waterways of the United States is critical to the economy of the United States through the maintenance of safe, reliable, and efficient navigation for recreation and the movement of billions of dollars in goods each year;

(3) fiscal challenges facing Federal, State, local, and tribal governments require new and innovative financing structures to continue robust investment in public water infrastructure;

(4) under existing fiscal restraints and project delivery processes, large-scale water infrastructure projects like the lock and dam modernization on the upper Mississippi River and Illinois River will take decades to complete, with benefits for the lock modernization not expected to be realized until 2047;

(5) the Corps of Engineers has an estimated backlog of more than $60,000,000,000 in outstanding projects; and

(6) in developing innovative financing options for water infrastructure projects, any prior public investment in projects must be protected.

SEC. 3. WATER INFRASTRUCTURE NOW PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out authorized flood damage reduction, hurricane and storm damage reduction, and navigation projects.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decision-making processes of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 15 flood damage reduction, hurricane and storm damage reduction, and navigation projects, including levees, floodwalls, flood control channels, water control structures, and navigation locks and channels, authorized for construction;

(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives upon the identification of each project under the pilot program;

(C) in consultation with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the

project, or a separable element of the project;

(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under section 5, except that the total amount transferred to the non-Federal interest shall not exceed the estimate of the Federal share of the cost of construction, including any required design; and

(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(2) RESTRICTIONS.—Of the projects identified by the Secretary—

(A) not more than 12 projects shall—

(i) have received Federal funds and experienced delays or missed scheduled deadlines in the 5 fiscal years prior to the date of enactment of this Act; or

(ii) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(B) not more than 3 projects shall—

(i) have not received Federal funding for recapitalization and modernization in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act; and

(ii) be, in the determination of the Secretary, significant to the national economy as a result of the impact the project would have on the national transportation of goods.

(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance, relating to—

(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and

(B) obtaining any permits necessary for the project.

(4) WAIVERS.—

(A) IN GENERAL.—For any project included in the pilot program, the Secretary may waive or modify any applicable Federal regulations for that project if the Secretary determines that such a waiver would provide public and financial benefits, including expediting project delivery and enhancing efficiency while maintaining safety.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives each time the Secretary issues a waiver or modification under subparagraph (A).

(d) PUBLIC BENEFIT STUDY.—

(1) IN GENERAL.—Before entering into a project partnership agreement under this section, the Secretary shall enter into an arrangement with an independent third party to conduct an assessment of whether, and provide justification that, the proposed partnership agreement would represent a better public and financial benefit than a similar transaction using public funding or financing.

(2) CONTENTS.—The study under paragraph (1) shall—

(A) be completed by the third party in a timely manner and in a period of not more than 90 days;

(B) take into consideration any supporting materials and data submitted by the Secretary, the nongovernmental party to the proposed project partnership agreement, and other stakeholders; and

(C) recommend whether the project partnership agreement will be in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings to taxpayers.

(e) COST SHARE.—Nothing in this Act affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this Act.

(f) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(g) ADMINISTRATION.—All laws (including regulations) that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this Act.

(h) TERMINATION OF AUTHORITY.—The authority to commence a project under this Act terminates on the date that is 5 years after the date of enactment of this Act.

SEC. 4. APPLICABILITY.

Nothing in this Act authorizes or permits the privatization of any Federal asset.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as are necessary.

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

S. 571. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, today I rise to join with Senator DURBIN to introduce the Great Lakes Water Protection Act. This bipartisan legislation would set a date certain to end sewage dumping in the Great Lakes, America's largest source of surface fresh water. The Great Lakes are home to more than 3,500 species of plants and animals and are the source of drinking water for more than 30 million Americans. It is time that we put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem and take action to reverse the trend of discharging sewage into the Great Lakes.

The Great Lakes Water Protection Act gives cities until 2033 to build the necessary infrastructure to prevent sewage dumping in the Great Lakes. Those who violate the EPA's sewage dumping regulations after this deadline will be subject to fines up to $100,000 for every day they are in violation. These fines would be directed into a Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund to be used for wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

Many cities along the Great Lakes Basin lack the critical infrastructure needed to divert sewage overflows during times of heavy rainfall. Some reports estimate that as much as 24 billion gallons of combined sewage and storm water runoff are dumped into the Great Lakes every year. Loaded with a mix of bacteria and other pathogens, untreated sewage poses a serious threat to public health and safety and is one of the leading causes of beach closings and contamination advisories at Great Lakes beaches.

According to data collected over the past 5 years by the Illinois Department of Public Health, it is not uncommon to see the total number of beach closures and contamination advisories across the Lake Michigan beaches in our State exceed 500 in a single swim season. These events threaten the health of our children and families and cost local economies millions. A University of Chicago study concluded the closings due to high levels of harmful pathogens like E.coli cost the local economy about $2.4 million each year in lost revenue.

Protecting the Great Lakes is one of my top priorities in Congress. As an original cosponsor of the Great Lakes Restoration Act, I support a broad approach to address some of the greatest challenges to the Great Lakes ecosystem and the economic growth of the region. However, while we continue to push for comprehensive Great Lakes restoration, we must also move forward with tailored approaches to tackle specific problems.

I am proud to introduce this important legislation to end the disastrous practice of releasing billions of gallons of untreated sewage into our Nation's most abundant source of freshwater. It is my hope that my colleagues will work with me to to preserve the Great Lakes and ensure this source of safe drinking water is safeguarded for future generations.

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. 571

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 ''Great Lakes Water Protection Act''.

SEC. 2. PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.—

''(1) DEFINITIONS.—In this subsection:

''(A) BYPASS.—The term 'bypass' means an intentional diversion of waste streams to bypass any portion of a treatment facility which results in a discharge into the Great Lakes.

''(B) DISCHARGE.—

''(i) IN GENERAL.—The term 'discharge' means a direct or indirect discharge of untreated sewage or partially treated sewage from a treatment works into the Great Lakes.

''(ii) INCLUSIONS.—The term 'discharge' includes a bypass and a combined sewer overflow.

''(C) GREAT LAKES.—The term 'Great Lakes' has the meaning given the term in section 118(a)(3).

''(D) PARTIALLY TREATED SEWAGE.—The term 'partially treated sewage' means any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that—

''(i) is not treated to national secondary treatment standards for wastewater; or

''(ii) is treated to a level less than the level required by the applicable national pollutant discharge elimination system permit.

''(E) TREATMENT FACILITY.—The term 'treatment facility' includes all wastewater treatment units used by a publicly owned treatment works to meet secondary treatment standards or higher, as required to attain water quality standards, under any operating conditions.

''(F) TREATMENT WORKS.—The term 'treatment works' has the meaning given the term in section 212.

''(2) PROHIBITION.—A publicly owned treatment works is prohibited from performing a bypass unless—

''(A)(i) the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

''(ii) there is not a feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and

''(iii) the treatment works provides notice of the bypass in accordance with this subsection; or

''(B) the bypass does not cause effluent limitations to be exceeded, and the bypass is for essential maintenance to ensure efficient operation of the treatment facility.

''(3) LIMITATION.—The requirement of paragraph (2)(A)(ii) is not satisfied if—

''(A) adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent the bypass; and

''(B) the bypass occurred during normal periods of equipment downtime or preventive maintenance.

''(4) IMMEDIATE NOTICE REQUIREMENTS.—

''(A) IN GENERAL.—A publicly owned treatment works shall provide to the entities described in subparagraph (B)—

''(i) for any anticipated discharge, prior notice of that discharge; and

''(ii) for any unanticipated discharge, as soon as practicable, but not later than—

''(I) for a treatment works with an automated detection system, 2 hours after the discharge begins; and

''(II) for a treatment works without an automated detection system, 12 hours after the discharge begins.

''(B) NOTICE.—The entities referred to in subparagraph (A) are—

''(i) the Administrator or, in the case of a State that has a permit program approved under this section, the State;

''(ii) each local health department or, if a local health department does not exist, the State health department;

''(iii) the municipality in which the discharge occurred and each municipality with jurisdiction over waters that may be affected by the discharge;

''(iv) a daily newspaper of general circulation in each county in which a municipality described in clause (iii) is located; and

''(v) the general public through a prominent announcement on a publicly accessible Internet site of the treatment works.

''(C) CONTENTS.—The notice under subparagraph (A) shall include a description of—

''(i) the volume and state of treatment of the discharge;

''(ii) the date and time of the discharge;

''(iii) the expected duration of the discharge;

''(iv) the steps being taken to contain the discharge, except for a discharge that is a wet weather combined sewer overflow discharge;

''(v) the location of the discharge, with the maximum level of specificity practicable; and

''(vi) the cause for the discharge.

''(5) FOLLOW-UP NOTICE REQUIREMENTS.—Each publicly owned treatment works that provides notice under paragraph (4)(B) shall provide to the Administrator (or to the State in the case of a State that has a permit program approved under this section), not later than 5 days after the date on which the publicly owned treatment works provides initial notice, a follow-up notice containing—

''(A) a more full description of the cause of the discharge;

''(B) the reason for the discharge;

''(C) the period of discharge, including the exact dates and times;

''(D) if the discharge has not been corrected, the anticipated time the discharge is expected to continue;

''(E) the volume of the discharge resulting from the bypass;

''(F) a description of any public access areas that has or may be impacted by the bypass; and

''(G) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge.

''(6) PUBLIC AVAILABILITY OF NOTICES.—

''(A) IN GENERAL.—Not later than 48 hours after providing or receiving a follow-up notice under paragraph (5), as applicable, a publicly owned treatment works and the Administrator (or the State, in the case of a State that has a permit program approved under this section) shall each post the follow-up notice on a publicly accessible, searchable database on the Internet.

''(B) ANNUAL PUBLICATION.—The Administrator (or the State, in the case of a State that has a permit program approved under this section) shall annually publish and make available to the public a list of each of the treatment works from which the Administrator or the State, as applicable, received a follow-up notice under paragraph (5).

''(7) SEWAGE BLENDING.—Bypasses prohibited by this section include bypasses resulting in discharges from a publicly owned treatment works that consist of effluent routed around treatment units and thereafter blended together with effluent from treatment units prior to discharge.

''(8) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish procedures to ensure that permits issued under this section (or under a State permit program approved under this section) to a publicly owned treatment works include requirements to implement this subsection.

''(9) INCREASE IN MAXIMUM CIVIL PENALTY FOR VIOLATIONS OCCURRING AFTER JANUARY 1, 2033.—Notwithstanding section 309, in the case of a violation of this subsection occurring on or after January 1, 2033, or any violation of a permit limitation or condition implementing this subsection occurring after that date, the maximum civil penalty that shall be assessed for the violation shall be $100,000 per day for each day the violation occurs.

''(10) APPLICABILITY.—This subsection shall apply to a bypass occurring after the last day of the 1-year period beginning on the date of enactment of this subsection.''.

SEC. 3. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

''SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

''(a) DEFINITIONS.—In this section:

''(1) FUND.—The term 'Fund' means the Great Lakes Cleanup Fund established by subsection (b).

''(2) GREAT LAKES; GREAT LAKES STATES.—The terms 'Great Lakes' and 'Great Lakes States' have the meanings given the terms in section 118(a)(3).

''(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Great Lakes Cleanup Fund' (referred to in this section as the 'Fund').

''(c) TRANSFERS TO FUND.—Effective January 1, 2033, there are authorized to be appropriated to the Fund amounts equivalent to the penalties collected for violations of section 402(s).

''(d) ADMINISTRATION OF FUND.—The Administrator shall administer the Fund.

''(e) USE OF FUNDS.—The Administrator shall—

''(1) make the amounts in the Fund available to the Great Lakes States for use in carrying out programs and activities for improving wastewater discharges into the Great Lakes, including habitat protection and wetland restoration; and

''(2) allocate those amounts among the Great Lakes States based on the proportion that—

''(A) the amount attributable to a Great Lakes State for penalties collected for violations of section 402(s); bears to

''(B) the total amount of those penalties attributable to all Great Lakes States.

''(f) PRIORITY.—In selecting programs and activities to be funded using amounts made available under this section, a Great Lakes State shall give priority consideration to programs and activities that address violations of section 402(s) resulting in the collection of penalties.''.

(b) CONFORMING AMENDMENT TO STATE REVOLVING FUND PROGRAM.—Section 607 of the

Federal Water Pollution Control Act (33 U.S.C. 1387) is amended—

(1) by striking ''There is'' and inserting ''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) TREATMENT OF GREAT LAKES CLEANUP FUND.—For purposes of this title, amounts made available from the Great Lakes Cleanup Fund under section 519 shall be treated as funds authorized to be appropriated to carry out this title and as funds made available under this title, except that the funds shall be made available to the Great Lakes States in accordance with section 519.''.

Mr. DURBIN. Mr. President, among Chicago's most treasured assets is Lake Michigan. The Great Lakes are among this country's most valuable natural resources, but the lakes face many natural and man-made threats. I'm pleased to join my Illinois colleague, Senator MARK KIRK, in introducing today the Great Lakes Water Protection Act to address one of those threats—municipal sewage.

A recent report found that from January 2010 through January 2011, 7 U.S. cities dumped a combined 18.7 billion gallons of waste water into the Great Lakes. Sewage and storm water discharges have been associated with elevated levels of bacterial pollutants. For the 40 million people who depend on the Great Lakes for their drinking water, that is no small matter.

When bacterial counts go too high, beaches have to be closed. In Illinois, we have 52 public beaches along the Lake Michigan shoreline. People use these beaches for swimming, boating, fishing and many communities generate revenue from the public beaches. Every lost visitor to a public beach costs the local economy between $20 and $36 in revenue.

Our legislation would quadruple fines for municipalities that dump raw sewage in the Great Lakes and direct the revenue from these penalties to projects that improve water quality. The bill also includes new reporting requirements to provide a more complete understanding of the frequency and impact of sewage dumping on this critical water system.

The Great Lakes are a national treasure. Illinoisans know that. They want to protect Lake Michigan and they are willing to fight for the Lake. Three and a half years ago, when we learned that BP was planning to increase the pollutants it puts into Lake Michigan—the people of Illinois stood up and said no. Polluting our lake further is not an option.

Senator KIRK and I agree. Protecting the Great Lakes is not a partisan issue, and this is not a partisan bill. We will work together to ensure that this national treasure is around for generations, providing drinking water, recreation and commerce for Illinois and other Great Lakes States.

By Ms. COLLINS (for herself, Mr. LEAHY, and Mr. CARPER):

S. 573. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2013, also known as the FOR VETS Act of 2013. I am pleased that Senators LEAHY and CARPER have joined me in cosponsoring this bill. This bill is necessary to ensure that veterans' service organizations are provided access to federal surplus personal property as the Senate intended when it passed the FOR VETS Act of 2010. The FOR VETS Act of 2010 provides that veterans' service organizations should be categorized as eligible nonprofit, tax-exempt organizations that may acquire surplus personal property for the purposes of education or public health.

Unfortunately, the General Services Administration, or GSA, has interpreted this law in the strictest of terms. In its published guidelines, veterans' service organizations may acquire the surplus property for the purposes of education or public health, but with minimal flexibility in what an educational or public health service may be. For example, acquiring a van to transport a disabled veteran to a doctor's appointment may not be considered an eligible use for a veterans' organization under current guidelines.

The bill that we are introducing today makes the legislative modification necessary for GSA to carry out the original intent of the FOR VETS Act of 2010.

The National Association of State Agencies for Surplus Property, NASASP, has identified the need for this legislation to ensure that veterans' service organizations are able to receive surplus equipment to enable them to improve their provision of critical services to our nation's veterans. The American Legion has said that this bill would enable them to better serve our veterans, their families, and the communities in which they live.

Veterans' groups—whose work enhances the lives of countless veterans every day—should benefit from access to these goods just as other service organizations do. Many veterans' organizations offer career development and job training assistance to our nation's veterans, yet often lack the computer equipment needed to assist our veterans in the often difficult transition from military service to the civilian work force.

These are just a couple of examples of the needs of veterans' service organizations. This bill is one way to say ''thank you'' to those Americans who have worn the uniform and to the families that supported them. In these challenging fiscal times, the need for excess federal property to be used for job training, rehabilitation, and other important assistance to our veterans is greater now than ever. I am proud to introduce this legislation with Senators LEAHY and CARPER, and I look forward to working with my colleagues to pass this bill through the Senate and into law.

By Mr. GRASSLEY:

S. 575. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am reintroducing the Judicial Transparency and Ethics Enhancement Act, a bill that would establish within the judicial branch an Office of Inspector General to assist the Judiciary with its ethical obligations as well as to ensure taxpayer dollars are not lost to waste, fraud, or abuse. Representative SENSENBRENNER is introducing the companion bill in the House. This bill will help make sure that our Federal judicial system remains free of corruption, bias, and hypocrisy.

The facts demonstrate that the institution of the Inspector General has been crucial in detecting, exposing and deterring problems within our government. The job of the Inspector General is to be the first line of defense against fraud, waste and abuse. In collaboration with whistleblowers, Inspectors General have been extremely effective in their efforts to expose and help correct these wrongs.

That is why, during my 30 years in Congress I have worked hard to strengthen the oversight role of Inspectors General throughout the Federal Government. I have come to rely on IGs and whistleblowers to ensure that our tax dollars are spent according to the letter and spirit of the law. When that doesn't happen, we in Congress need to know about it and take corrective action.

During the past fiscal year, Congress appropriated nearly $7 billion in taxpayer money to the Federal judiciary. To put this in context, the National Science Foundation, the Small Business Administration, and the Corporation for National and Community Service each received a similar or less amount than the judiciary. Yet all three of these entities have an Office of Inspector General. If we in Congress believed that these entities could use an Inspector General, I cannot see why the Judiciary wouldn't deserve the same assistance.

But there is an additional reason why the Judiciary needs an Inspector General. The fact remains that the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has time and time again proven inadequate. I would point out to my colleagues two recent events here in the Senate that support this conclusion.

In the past 5 years, the Senate received articles of impeachment for not one but two Federal judges. In the first case, former Judge Samuel B. Kent, although charged with multiple counts of sexual assault, pled guilty to obstruction of justice. Who did he obstruct?

Who did he lie to? He did this to his fellow judges, who were assembled to investigate the allegations of his obscene and criminal behavior. But it took a criminal investigation by the Department of Justice to uncover his false statements to his colleagues as well as substantiate the horrendous claims made against him.

In the second case, the Senate found that former Judge G. Thomas Porteous, Jr. was guilty of a number of things, including accepting money from attorneys who had a case pending before him in his court and committing perjury by falsifying his name on bankruptcy filings. Once again, this Judge's misbehavior came to light through a Federal criminal investigation, after which another judicial committee had to be organized to investigate their fellow judge.

What's more, in each case the disgraced judge tried to game the system in order to retain his $174,000 salary. Rather than resign their commissions, each first tried to claim disability status what would allow each to continue to receive payment, even if in prison. Then both played chicken with Congress daring us to strip them of their pay by impeaching and convicting them. I am pleased that we put our foot down and said ''No.''

The judicial misconduct committees are simply inadequate for investigating claims of misconduct. These judges are not given the resources necessary nor do they have the expertise in conducting a complete investigation. They cannot, despite their best intentions, remove the inherent biases that develop from working closely with other judges. This duty would be better suited to an independent entity within the Judiciary.

The Judicial Transparency and Ethics Enhancement Act is the answer. This bill would establish an Office of Inspector General for the judicial branch. The IG's responsibilities would include conducting investigations of possible judicial misconduct, investigating waste fraud and abuse, and recommending changes in laws and regulations governing the Federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. In addition, the bill establishes whistleblower protections for judicial branch employees.

Ensuring a fair and independent judiciary is critical to our Constitutional system of checks and balances. Judges are supposed to maintain impartiality. They are supposed to be free from conflicts of interest. An independent watchdog for the Federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. Whistleblower protections for judiciary branch employees will help keep the judiciary accountable. The Judicial Transparency and Ethics Enhancement Act will not only ensure continued public confidence in our Federal courts and keep them beyond reproach, it will strengthen our judicial branch.

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. 575

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 ''Judicial Transparency and Ethics Enhancement Act of 2013''.

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

''CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

''Sec.
''1021. Establishment.
''1022. Appointment, term, and removal of Inspector General.
''1023. Duties.
''1024. Powers.
''1025. Reports.
''1026. Whistleblower protection.

''§ 1021. Establishment

''There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

''§ 1022. Appointment, term, and removal of Inspector General

''(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

''(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

''(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

''§ 1023. Duties

''With respect to the judicial branch, the Office shall—

''(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

''(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

''(3) conduct and supervise audits and investigations;

''(4) prevent and detect waste, fraud, and abuse; and

''(5) recommend changes in laws or regulations governing the judicial branch.

''§ 1024. Powers

''(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

''(1) make investigations and reports;

''(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

''(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

''(4) administer to or take from any person an oath, affirmation, or affidavit;

''(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

''(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

''(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

''(c) LIMITATION.—The Inspector General shall not have the authority to—

''(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

''(2) punish or discipline any judge, justice, or court.

''§ 1025. Reports

''(a) WHEN TO BE MADE.—The Inspector General shall—

''(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

''(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

''(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

''(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

''§ 1026. Whistleblower protection

''(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

''(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

''60. Inspector General for the judicial branch ..... 1021''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 88. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table.

SA 89. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 90. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 91. Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 92. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 93. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 94. Mr. BURR (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 95. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 96. Mr. BROWN (for himself, Mr. JOHANNS, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Mrs. GILLIBRAND, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 97. Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 98. Ms. MIKULSKI (for herself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 99. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 100. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 101. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 102. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 103. Mr. WHITEHOUSE (for himself, Mr. COWAN, Mr. CARDIN, Mr. SCHATZ, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 104. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 105. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 106. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 107. Mr. FRANKEN (for himself, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 108. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 109. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 110. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 111. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BEGICH, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 112. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 113. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 114. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 115. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra.

SA 116. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 118. Mr. BARRASSO (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 119. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 120. Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. BEGICH, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 121. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 122. Ms. MURKOWSKI (for herself, Mr. COCHRAN, Ms. COLLINS, Mr. KING, Ms. WARREN, Mrs. SHAHEEN, Mr. COWAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 123. Mr. DURBIN proposed an amendment to amendment SA 115 submitted by Mr. TOOMEY to the amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra.

SA 124. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 84 submitted by Ms. AYOTTE (for herself and Mr. CHAMBLISS) and intended to be proposed to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 125. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 88. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR O&M, DEFENSE-WIDE, FOR ACTIVITIES IN CONUS.—The amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $60,000,000, with the amount to be available for operation and maintenance expenses in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby decreased by $60,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Advanced Drop in Biofuel Production.

SA 89. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal

year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 30____. None of the funds made available by this Act or any other Act may be used to carry out the order of the Secretary of the Interior numbered 3321 and dated May 24, 2012 (regarding the establishment of a National Blueways System).

SA 90. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74____. (a) Notwithstanding any other provision of this Act, during fiscal year 2013, the Secretary of Agriculture may transfer any amounts appropriated for the Department of Agriculture, made available for that fiscal year, and subject to reduction under a sequestration order under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), among accounts of the Department of Agriculture so as to prevent disruption in the inspection services of the Food Safety and Inspection Service.

(b) Prior to, or as soon as practicable after, transferring amounts under subsection (a), the Secretary of Agriculture shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the transfers.

SA 91. Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and adjusting the margins accordingly; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on February 1, 2015.

SA 92. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, insert the following:

SEC. 543. (a) INCREASE IN AMOUNT FOR NASA FOR CROSS AGENCY SUPPORT.—The amount appropriated by title III of this division under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'' under the heading ''CROSS AGENCY SUPPORT'' is hereby increased by $123,000,000.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'' under the heading ''CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION'' is hereby decreased by $265,710,000, with the amount of the reduction to be allocated to amounts available under that heading for Exploration Construction of Facilities (CoF).

SA 93. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 542, strike lines 3 through 21 and insert the following:

REOPENING THE WHITE HOUSE FOR PUBLIC TOURS AND PRESERVING OUR NATIONAL TREASURES

SEC. 1404. Notwithstanding section 1101—

(1) the amount appropriated for the National Recreation and Preservation account shall be reduced by $8,100,000, which shall be taken from the National Heritage Partnership Program; and

(2) the amount appropriated under section 1401(e) for ''National Park Service, Operation of the National Park System'' shall be increased by $6,000,000, which shall be used for expenses related to visitor services and maintenance of national parks, monuments, sites, national memorials, and battlefields, including the White House, Grand Canyon National Park, the Washington Monument, Yellowstone National Park, and the Flight 93 National Memorial.

SA 94. Mr. BURR (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ABLE ACT OF 2013.

(a) SHORT TITLE.—This section may be cited as the ''Achieving a Better Life Experience Act of 2013'' or the ''ABLE Act of 2013''.

(b) PURPOSES.—The purposes of this section are as follows:

(1) To encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life.

(2) To provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, the Medicaid program under title XIX of the Social Security Act, the supplemental security income program under title XVI of such Act, the beneficiary's employment, and other sources.

(c) ABLE ACCOUNTS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Section 529 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) ABLE ACCOUNTS.—

''(1) GENERAL RULES.—For purposes of any other provision of law with respect to a qualified ABLE program and an ABLE account, except as otherwise provided in this subsection—

''(A) a qualified ABLE program and an ABLE account shall be treated in the same manner as a qualified tuition program and an account described in subsection (b)(1)(A)(ii), respectively, are treated,

''(B) qualified disability expenses with respect to a program or account described in subparagraph (A) shall be treated in the same manner as qualified higher education expenses are treated, and

''(C) maximum contributions shall be no higher than the limit established by the State for their regular 529 account.

''(2) QUALIFIED ABLE PROGRAM.—For purposes of this subsection, the term 'qualified ABLE program' means a program established and maintained by a State or agency or instrumentality thereof—

''(A) under which a person may make contributions to an ABLE account which is established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account,

''(B) which meets the requirements of the preceding subsections of this section (as modified by this subsection), determined by substituting—

''(i) 'qualified ABLE program' for 'qualified tuition program', and

''(ii) 'ABLE account' for 'account', and

''(C) which meets the other requirements of this subsection.

''(3) QUALIFIED DISABILITY EXPENSES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified disability expenses' means any expenses which are made for the benefit of an individual with a disability who is a designated beneficiary.

''(B) EXPENSES INCLUDED.—The following expenses shall be qualified disability expenses if such expenses are made for the benefit of an individual with a disability who is a designated beneficiary and are related to such disability:

''(i) EDUCATION.—Expenses for education, including tuition for preschool thru post-secondary education, which shall include higher education expenses (as defined by subsection (e)(3)) and expenses for books, supplies, and educational materials related to preschool and secondary education, tutors, and special education services.

''(ii) HOUSING.—Expenses for a primary residence, including rent, purchase of a primary residence or an interest in a primary residence, mortgage payments, real property taxes, and utility charges.

''(iii) TRANSPORTATION.—Expenses for transportation, including the use of mass transit, the purchase or modification of vehicles, and moving expenses.

''(iv) EMPLOYMENT SUPPORT.—Expenses related to obtaining and maintaining employment, including job-related training, assistive technology, and personal assistance supports.

''(v) HEALTH, PREVENTION, AND WELLNESS.—Expenses for health and wellness, including premiums for health insurance, mental health, medical, vision, and dental expenses, habilitation and rehabilitation services, durable medical equipment, therapy, respite care, long-term services and supports, nutritional management, communication services and devices, adaptive equipment, assistive technology, and personal assistance.

''(vi) MISCELLANEOUS EXPENSES.—Financial management and administrative services; legal fees; expenses for oversight; monitoring; home improvements, and modifications, maintenance and repairs, at primary residence; or funeral and burial expenses.

''(vii) ASSISTIVE TECHNOLOGY AND PERSONAL SUPPORT SERVICES.—Expenses for assistive technology and personal support with respect to any item described in clauses (i) through (vi).

''(viii) OTHER APPROVED EXPENSES.—Any other expenses which are approved by the Secretary under regulations and consistent with the purposes of this section.

''(C) INDIVIDUAL WITH A DISABILITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), an individual is an individual with a disability for a year if the individual (regardless of age)—

''(I) has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or

''(II) is blind.

''(ii) DISABILITY CERTIFICATION REQUIRED.—An individual shall not be treated as an individual with a disability for a year unless the individual—

''(I) is receiving (or, for purposes of title XIX of the Social Security Act, is deemed to be, or treated as, receiving by the State Medicaid Agency) benefits under the supplemental security income program under title XVI of such Act, or whose benefits under such program are suspended other than by reason of misconduct,

''(II) is receiving disability benefits under title II of such Act, or

''(III) files a disability certification with the Secretary for such year.

''(iii) DISABILITY CERTIFICATION DEFINED.—The term 'disability certification' means, with respect to an individual, a certification to the satisfaction of the Secretary by the designated beneficiary or the parent or guardian of the designated beneficiary that—

''(I) the individual meets the criteria described in clause (i), and

''(II) includes a copy of the designated beneficiary's diagnosis, signed by a physician meeting the criteria of section 1861(r)(1) of the Social Security Act.

''(iv) RESTRICTION ON USE OF CERTIFICATION.—No inference may be drawn from a disability certification for purposes of establishing eligibility for benefits under title II, XVI, or XIX of the Social Security Act.

''(4) ROLLOVERS FROM ABLE ACCOUNTS.—Subsection (c)(3)(A) shall not apply to any amount paid or distributed from an ABLE account to the extent that the amount received is paid, not later than the 60th day after the date of such payment or distribution, into—

''(A) another ABLE account for the benefit of—

''(i) the same beneficiary, or

''(ii) an individual with a disability who is a family member of the beneficiary,

''(B) any trust which is described in subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act and which is for the benefit of an individual described in clause (i) or (ii) of subparagraph (A), or

''(C) a qualified tuition program—

''(i) for the benefit of the designated beneficiary, or

''(ii) to the credit of another designated beneficiary under a qualified tuition program who is a member of the family of the designated beneficiary with respect to which the distribution was made.

The preceding sentence shall not apply to any payment or distribution if it applied to any prior payment or distribution during the 12-month period ending on the date of the payment or distribution.

''(5) TRANSFER TO STATE.—Subject to any outstanding payments due for qualified disability expenses, in the case that the designated beneficiary dies or ceases to be an individual with a disability, all amounts remaining in the qualified ABLE account not in excess of the amount equal to the total medical assistance paid for the designated beneficiary after the establishment of the account, net of any premiums paid from the account or paid by or on behalf of the beneficiary to a Medicaid Buy-In program, under any State Medicaid plan established under title XIX of the Social Security Act shall be distributed to such State upon filing of a claim for payment by such State. For purposes of this paragraph, the State shall be a creditor of an ABLE account and not a beneficiary. Subsection (c)(3) shall not apply to a distribution under the preceding sentence.

''(6) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Secretary may prescribe such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations to prevent fraud and abuse with respect to amounts claimed as qualified disability expenses.''.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 such Code is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ''and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 529(d) by reason of 529(f) (relating to ABLE accounts).''.

(2) ANNUAL REPORTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall report annually to Congress on the usage of ABLE accounts under section 529(f) of the Internal Revenue Code of 1986.

(B) CONTENTS OF REPORT.—Any report under subparagraph (A) may include—

(i) the number of people with an ABLE account,

(ii) the total amount of contributions to such accounts,

(iii) the total amount and nature of distributions from such accounts,

(iv) issues relating to the abuse of such accounts, if any, and

(v) the amounts repaid from such accounts to State Medicaid programs established under title XIX of the Social Security Act.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(d) TREATMENT OF ABLE ACCOUNTS UNDER CERTAIN FEDERAL PROGRAMS.—

(1) ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN OTHER MEANS-TESTED FEDERAL PROGRAMS.—Notwithstanding any other provision of Federal law that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount (including earnings thereon) in any ABLE account (as defined in section 529(f) of the Internal Revenue Code of 1986) of such individual, and any distribution for qualified disability expenses (as defined in paragraph (3) of such section) shall be disregarded for such purpose with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such ABLE account, except that, in the case of the supplemental security income program under title XVI of the Social Security Act, a distribution for housing expenses (as defined in subparagraph (B)(ii) of such paragraph) shall not be so disregarded, and in the case of such program, only the 1st $100,000 of the amount (including such earnings) in such ABLE account shall be so disregarded.

(2) SUSPENSION OF SSI BENEFITS DURING PERIODS OF EXCESSIVE ACCOUNT FUNDS.—

(A) IN GENERAL.—The benefits of an individual under the supplemental security income program under title XVI of the Social Security Act shall not be terminated, but shall be suspended, by reason of excess resources of the individual attributable to an amount in the ABLE account (as defined in section 529(f) of the Internal Revenue Code of 1986) of the individual not disregarded under paragraph (1) of this subsection.

(B) NO IMPACT ON MEDICAID ELIGIBILITY.—An individual who would be receiving payment of such supplemental security income benefits but for the application of subparagraph (A) shall be treated for purposes of title XIX of the Social Security Act as if the individual continued to be receiving payment of such benefits.

SA 95. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division F, add the following:

SEC. 12___. (a) Section 1001(17)(A) of the Water Resources Development Act of 2007 (121 Stat. 1052) is amended—

(1) by striking ''$125,270,000'' and inserting ''$152,510,000'';

(2) by striking ''$75,140,000'' and inserting ''$92,007,000''; and

(3) by striking ''$50,130,000'' and inserting ''$60,503,000''.

(b) The amendments made by subsection (a) take effect on November 8, 2007.

SA 96. Mr. BROWN (for himself, Mr. JOHANNS, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Mrs. GILLIBRAND, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 14, strike ''$1,500,000,000'' and insert ''$2,000,000,000''.

SA 97. Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Ms. LANDRIEU) submitted an amendment intended to be proposed to

amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division F, add the following:

SEC. 12___. (a) Section 999A(b) of the Energy Policy Act of 2005 (42 US.C. 16371(b)) is amended—

(1) in paragraph (1), by inserting ", and for research and development, including on technologies and processes to improve safety and well integrity and reduce environmental impacts" after "feet";

(2) in paragraph (2), by inserting ", and for research and development, including on technologies and processes to improve safety, improve well integrity, improve water management, improve understanding of fluid flow and storage, and reduce the surface footprint" after "technology"; and

(3) in paragraph (3), by inserting ", and for research and development, including on technology and processes for reducing the environmental impacts and improving well integrity" after "producers".

(b) Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in subsection (a), by striking ", to maximize" and all that follows through the period at the end and inserting "to ensure the safe and environmentally responsible production of natural gas and other petroleum resources of the United States."; and

(2) by adding at the end the following:

"(k) STUDY; REPORT.—

"(1) STUDY.—As soon as practicable after the date of enactment of this subsection, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

"(A) whether the benefits provided through each award under this subsection during calendar year 2013 have been maximized; and

"(B) any new areas of research that, if carried out, would meet the overall objectives of the program.

"(2) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under paragraph (1).

"(3) OPTIONAL UPDATES.—The Secretary may update the report described in paragraph (2) for the 5-year period beginning on the date that is described in that subparagraph and each 5-year period thereafter.".

(c) Section 999F of the Energy Policy Act of 2005 (42 U.S.C. 16376) is amended by striking "2014" and inserting "2017".

(d) Section 999H(d) of the Energy Policy Act of 2005 (42 U.S.C. 16378(d)) is amended—

(1) in paragraph (1), by striking "35" and inserting "31.25";

(2) in paragraph (2), by striking "32.5" and inserting "28.75"; and

(3) in paragraph (3), by striking "7.5" and inserting "15".

SA 98. Ms. MIKULSKI (for herself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, line 3, strike "a grant for".

On page 585, line 11, strike "through C" and insert "through F".

On page 586, line 16, strike "division C" and insert "division F".

SA 99. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL AMENDMENTS TO THE COMMISSION ON LONG-TERM CARE.

(a) IN GENERAL.—Section 643 of the American Taxpayer Relief Act of 2012 (Public Law 112-240) is amended—

(1) in subsection (a), by inserting "within the Legislative Branch" after "is established";

(2) in subsection (c)—

(A) in paragraph (2)(A)(vii), by inserting "and employees" after "employers";

(B) in paragraph (3), by adding after the period at the end the following: "The chairman and vice chairman, who shall be elected from the individuals appointed by members of Congress (as described in subparagraphs (B) through (E) of paragraph (1)), shall not both be individuals who were appointed by members of Congress from the same political party."; and

(C) in paragraph (7)(A), by striking "and vice chairman" and inserting ", with timely notice to the vice chairman";

(3) in subsection (d)—

(A) in paragraph (1), by striking "jointly"; and

(B) in paragraph (2)—

(i) by striking "and staff of the Commission" and inserting ", and, except as provided in subsection (e)(4), any employee or staff of the Commission (including any individual described in subsection (e)(9)),"; and

(ii) by adding after the period at the end the following: "Members of the Commission who serve in an office or agency of the Executive Branch shall abide by the ethics rules applicable to such office or agency.";

(4) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) HEARINGS AND OTHER ACTIVITIES.—

"(A) IN GENERAL.—For the purpose of carrying out its duties, the Commission may hold such hearings, sit and act at such times and places, take testimony of witnesses (and may reimburse witnesses for their attendance), receive evidence, travel, and undertake such other activities as the Commission determines to be necessary to carry out its duties.

"(B) ANNOUNCEMENT.—The chairman of the Commission, with timely notice to the vice chairman, shall make a public announcement of the date, place, time, and subject matter of any public hearing to be conducted, not less than 7 days in advance of such hearing, unless the chairman determines that there is good cause to begin such hearing at an earlier date.";

(B) in paragraph (2), in the heading, by striking "GENERAL ACCOUNTING OFFICE" and inserting "GOVERNMENT ACCOUNTABILITY OFFICE";

(C) in paragraph (4)—

(i) by inserting "and subject to approval by the Committee on Rules and Administration of the Senate" after "request of the Commission"; and

(ii) by adding after the period at the end the following: "Any Federal employee detailed to the Commission shall abide by the ethics rules applicable to their employing agency and act in accordance with the rules governing detailees in the United States Senate.";

(D) by striking paragraph (6) and inserting the following:

"(6) USE OF MAILS; DENIAL OF USE OF FRANK.—The Commission—

"(A) may use the United States mails in the same manner and under the same conditions as Federal agencies; and

"(B) for purposes of franking, shall not be considered to be a commission of Congress as described in section 3215 of title 39, United States Code."; and

(E) by adding at the end the following new paragraphs:

"(9) EXPERTS AND CONSULTANTS.—The Commission may, subject to approval by the Committee on Rules and Administration of the Senate, procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(10) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"(11) FUNDING.—Funding for the Commission shall be derived in equal portions from—

"(A) the applicable accounts from the House of Representatives; and

"(B) the contingent fund of the Senate from the appropriations account 'Miscellaneous Items', or such other accounts as deemed appropriate, subject to the rules and regulations of the Senate.";

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking "6 months after the appointment of the members" and inserting "24 months after the appointment of all of the members"; and

(B) in paragraph (2)(A), by striking "on Congress" and inserting "of Congress"; and

(6) in subsection (g)—

(A) by striking "30 days" and inserting "60 days"; and

(B) by adding after the period at the end the following: "Prior to the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 643 of the American Taxpayer Relief Act of 2012.

SA 100. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74___. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or successor regulation).

SA 101. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR O&M FOR ACTIVITIES IN CONUS.—The aggregate amount appropriated by title II of this division for operation and maintenance is hereby increased by $60,000,000, with the amount to be available, as determined by the Secretary of Defense, for operation and maintenance expenses of the Department of Defense in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby decreased by $60,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Advanced Drop in Biofuel Production.

SA 102. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out Executive Order No. 13547, relating to Stewardship of the Ocean, Our Coasts, and the Great Lakes.

SA 103. Mr. WHITEHOUSE (for himself, Mr. COWAN, Mr. CARDIN, Mr. SCHATZ, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. SENSE OF THE SENATE RELATING TO LIMITING FEDERAL FISCAL EXPOSURE RESULTING FROM CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds that—

(1) the Government Accountability Office has reported that the fiscal exposure of the Federal Government to climate change poses a high risk to many Federal functions, including as—

(A) the owner or operator of extensive defense facilities;

(B) the owner or operator of Federal property, including 650,000,000 acres of Federal land, hundreds of thousands of buildings, and infrastructure property, such as highways, bridges, irrigations systems, and power development and distribution infrastructure;

(C) the administrator of the National Flood Insurance Program;

(D) the administrator of the Federal Crop Insurance Corporation;

(E) the provider of aid in response to disasters through the Federal Emergency Management Agency and supplemental Federal disaster aid appropriations; and

(F) the provider of technical assistance and information for adaptation and preparedness to State and local governments that plan and implement adaptation;

(2) the Comptroller General of the United States has testified before Congress that it is the opinion of the Government Accountability Office that the Federal Government should take immediate action to mitigate the risk posed by climate change; and

(3) the Government Accountability Office has concluded that ''[t]he Federal government needs a strategic approach with strong leadership and the authority to manage climate change risks that encompasses the entire range of related Federal activities and addresses all key elements of strategic planning''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Federal agencies should take all actions possible under existing law—

(1) to limit Federal fiscal exposure to climate change;

(2) to maximize investments;

(3) to achieve efficiencies; and

(4) to better position the Federal Government for success in addressing the issues raised in the report of the Government Accountability Office entitled ''Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks''.

SA 104. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, add the following:

SEC. 8131. (a) The purpose of this section is to implement common sense limits on defense contractor salaries, reduce spending, and better safeguard valuable taxpayer dollars.

(b) Section 2324(e)(1)(P) of title 10, United States Code, is amended—

(1) by striking ''the benchmark'' and all that follows through ''section 1127 of title 41'' and inserting ''the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently $230,700)'';

(2) by striking ''and engineers'' and inserting '', engineers, and cyber security experts''; and

(3) by inserting before the period at the end the following: '', including for purposes of supporting personnel in hostile fire zones''.

(c) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

SA 105. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, add the following:

SEC. 8131. (a) REQUIREMENT TO CONTINUE TUITION ASSISTANCE PROGRAMS.—Subject to the provisions of this section, the Secretary of Defense and the Secretaries of the military departments shall, using funds appropriated or otherwise made available by this division, continue to provide tuition assistance during fiscal year 2013 under the provisions of sections 1784a and 2007 of title 10, United States Code, in accordance with the provisions of such sections.

(b) AMOUNT AVAILABLE.—The amount available under this division for tuition assistance pursuant to this section is—

(1) the aggregate amount used by the Department of Defense in fiscal year 2012 for tuition assistance under the provisions of law referred to in subsection (a), minus

(2) an amount equal to 6.5 percent of the amount specified in paragraph (1).

(c) PRIORITY FOR ASSISTANCE FOR CERTAIN MEMBERS.—In providing tuition assistance pursuant to this section, the Secretaries of the military departments shall afford a priority to the following:

(1) Members of the Armed Forces in pay grade E–5 or below.

(2) Wounded warriors.

(d) DISCRETIONARY AUTHORITY TO CONTINUE ASSISTANCE FOR PRIORITY MEMBERS AFTER EXCEEDING FUNDING LIMITATION.—

(1) IN GENERAL.—In the event amounts cease to be available to the Secretary of a military department for tuition assistance in fiscal year 2013 by reason of equaling the amount available to the Secretary for that purpose under subsection (b), the Secretary may continue to provide tuition assistance pursuant to this section to members of the Armed Forces described in subsection (c) using amounts transferred pursuant to paragraph (2).

(2) TRANSFER AUTHORITY.—The Secretary of a military department may transfer amounts appropriated or otherwise made available to the military department by this division to accounts of the military department providing funds for tuition assistance for members of the Armed Forces for purposes of providing tuition assistance pursuant to paragraph (1). The transfer authority in this paragraph is in addition to any other transfer authority by law.

(e) WOUNDED WARRIOR DEFINED.—In this section, the term ''wounded warrior'' means a member of the Armed Forces with a serious injury or illness (as that term is defined in section 1601(8) of the Wounded Warrior Act (10 U.S.C. 1071 note)).

(f) EFFECTIVE DATE.—This section shall take effect on the date that is three days after the date of the enactment of this Act.

SA 106. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 533, line 4, insert '''Department of Energy, Fossil Energy Research and Development', $660,000,000'' after ''follows:''.

On page 563, line 22, strike ''$129,400,000'' and insert ''$0''.

SA 107. Mr. FRANKEN (for himself, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, and Ms. HEITKAMP) submitted an amendment intended to be proposed to

amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 540, strike lines 13 and 14, and insert the following:

(g) $123,000,000 for ''Bureau of Indian Affairs, Construction'', of which $17,000,000 shall be made available for replacement school construction that replaces the entirety or majority of a school campus or replacement facility construction that replaces individual buildings that are beyond cost-effective repair measures: *Provided*, That $17,000,000 of any unobligated funds made available to the Secretary of the Interior to pay for administrative expenses (except funds that are made available from emergency accounts) are rescinded;

SA 108. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division C, insert the following:

(b) LIMITATION.—No funds appropriated or otherwise made available by title IX of this division under the heading ''AFGHANISTAN INFRASTRUCTURE FUND'' may be obligated or expended until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the certifications as follows:

(1) That transfers to the Government of Afghanistan of Afghan nationals detained by United States Armed Forces in Afghanistan territory do not present a significant threat to United States or coalition forces based upon the likelihood that the detainee to be transferred will engage in continuing hostile acts against the United States or its coalition allies.

(2) That the Government of Afghanistan is in compliance with international humanitarian law, including Additional Protocol II of 1977 to the Geneva Convention of 1949, with respect to preventing detainee abuse.

(3) That the Government of Afghanistan has implemented an administrative detention regime under its domestic law as an alternative to criminal prosecution, which regime is—

(A) consistent with international humanitarian law, including the Additional Protocol II of 1977 to the Geneva Convention of 1949, Afghanistan domestic law, and all of the international obligations of Afghanistan;

(B) in compliance with the international obligations of Afghanistan with respect to humane treatment and applicable due process; and

(C) based on sustainable arrangements, including housing.

(4) That there exists a continuing capability of both the United States and Afghanistan to gather intelligence from detainees transferred to the Government of Afghanistan for the mutual benefit of both nations.

(5) That, as part of the intelligence gathering described in paragraph (4), the United States is granted regular, direct access to detainees held by the Government of Afghanistan for the purpose of interrogation or any other lawful purpose.

(6) That the Government of Afghanistan is consulting, and will continue to consult, the United States before the release, including release prior to indictment, of any detainee transferred to the Government of Afghanistan, and, if the United States provides its assessment that continued detention is necessary to prevent such a detainee from engaging in or facilitating terrorist activity, the Government of Afghanistan will consider favorably such assessment.

(7) That additional processes will be in place in any case where the United States considers a detainee held by Afghanistan an enduring security threat (or its equivalent) to ensure that the detainee will not present a security threat once released.

(c) CONTINGENT REQUIREMENT FOR EXPLANATORY REPORT.—If the report described by subsection (b) has not been submitted to Congress by 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress on such date a report setting forth an explanation why the report described by subsection (b) has not been so submitted.

(d) COMPTROLLER GENERAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment by the Comptroller General of the the ability of the Government of Afghanistan to sustain costs associated with securing detainees in Afghanistan.

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

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 109. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SEQUESTER REPLACEMENT

SEC. ____01. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) sequestration is not the most efficient, effective, or responsible mechanism to address the debt problems facing the United States;

(2) providing flexibility to the Office of Management and Budget is an improvement over harmful across-the-board sequestration of security, nonsecurity, and direct spending;

(3) the only meaningful way to permanently address the debt problem of the United States is to implement a comprehensive plan for significant deficit reduction; and

(4) Congress and the President should act immediately to enact large-scale spending reform legislation.

SEC. ____02. SEQUESTER REPLACEMENT.

(a) DEFINITIONS.—In this section—

(1) the terms ''account'', ''budgetary resources'', ''discretionary appropriations'', ''direct spending'' and related terms have the meaning given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c));

(2) the term ''joint resolution'' means only a joint resolution the matter after the resolving clause of which is as follows: ''That Congress disapproves the cancellation of budgetary resources identified in the qualifying sequester replacement plan submitted by the President on _____.'' (the blank space being appropriately filled in); and

(3) the term ''qualifying sequester replacement plan'' means a plan submitted by the President—

(A) not later than 14 calendar days after the date of enactment of this Act; and

(B) that proposes to permanently cancel budgetary resources available for fiscal year 2013 from any discretionary appropriations or direct spending account in the amount of the budgetary resources required to be cancelled under section 251 and 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 901a) for fiscal year 2013, as determined after the enactment of this Act, provided—

(i) 50 percent of the proposed cancellation of budgetary resources shall be cancelled from defense spending (budget function 050);

(ii) any cancellation of budgetary resources from budget function 050 shall be consistent with amounts authorized in the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239);

(iii) the cancellation of budgetary resources may not be implemented through changes to programs or activities contained in the Internal Revenue Code, or increase governmental receipts, offsetting collections, or offsetting receipts;

(iv) any change to Medicare must be consistent with section 256(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(d));

(v) any cancellation of budgetary resources in an account that is not defense spending may not be offset against an increase in another such account;

(vi) the proposed cancellation of budgetary resources shall reduce outlays by not less than the amount of budgetary resources required to be cancelled under section 251 and 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 901a) for fiscal year 2013, as determined after the enactment of this Act, by the end of fiscal year 2018; and

(vii) except as provided in clauses (i) through (vi), shall be consistent with sections 255 and 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905 and 906).

(b) PROPOSAL.—Not later than 14 calendar days after the date of enactment of this Act, the President shall submit to Congress a qualifying sequester replacement plan.

(c) JOINT RESOLUTION OF DISAPPROVAL.—

(1) NO REFERRAL.—A joint resolution shall not be referred to a committee in either the House of Representatives or the Senate and shall immediately be placed on the calendar.

(2) MOTION TO PROCEED.—A motion to proceed to a joint resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone and all points of order against the motion are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of a joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, a joint resolution shall be considered as read. All points of order against a

joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) EXPEDITED PROCEDURE IN SENATE.—

(A) CONSIDERATION.—In the Senate, consideration of a joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(B) VOTE ON PASSAGE.—If the Senate has proceeded to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(C) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

(5) AMENDMENT NOT IN ORDER.—A joint resolution considered under this subsection shall not be subject to amendment in either the House of Representatives or the Senate.

(6) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before passing a joint resolution, one House receives from the other House a joint resolution—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House, except that the vote on final passage shall be on the joint resolution of the other House.

(7) PERIOD.—Subject to subsection (d), Congress may not consider a joint resolution under this subsection after the date that is 21 calendar days after the date of enactment of this Act.

(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) CONSIDERATION AFTER PASSAGE.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President signs, allows to become law without his signature, or vetoes and returns the joint resolution (but excluding days when either House is not in session) shall be disregarded in computing the calendar day period described in subsection (c)(7).

(e) DISAPPROVAL.—If a joint resolution is enacted under this section—

(1) the President may not carry out the proposed cancellation of budgetary resources in the qualifying sequester replacement plan submitted under subsection (b); and

(2) sequestration shall continue in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(f) FAILURE TO ENACT DISAPPROVAL.—Effective on the day after the end of the calendar day period under subsection (c)(7) (as determined in accordance with subsection (d)), if the President has submitted a qualifying sequester replacement plan in accordance with subsection (b) and a joint resolution of disapproval has not been enacted under this section, the President shall—

(1) cancel any sequestration order issued under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a); and

(2) cancel budgetary resources in accordance with the qualifying sequester replacement plan submitted under subsection (b).

SEC. ___03. LIMITATION.

Nothing in this title grants authority to cut additional direct spending beyond the scope of the 2013 sequester.

SA 110. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title VII of division F, insert after section 1708 the following:

SEC. 1709. Notwithstanding section 1101, subsection (a) of section 7041 of division I of Public Law 112–74 shall be applied to funds appropriated by this division by inserting at the end of such subsection the following new paragraph:

''(4)(A)(i) None of the amounts appropriated or otherwise made available under the heading 'Foreign Military Financing Program' that is available for assistance for Egypt may be used to enter into a contract on or after the date of enactment of this Act with the Government of Egypt for the sale or transfer of major defense equipment, such as F–16 attack aircraft and M1 tanks, until 15 days after the Secretary of State submits to Congress the strategy required under subparagraph (B).

''(ii) Clause (i) shall not apply to defense articles related to counterterrorism, border security, or special operations capabilities, and nothing in this section shall be construed to require the violation of an existing defense agreement or contract with the Government or Armed Forces of Egypt or to prevent or disrupt the production, transfer, or delivery of any defense article or service to the Government or Armed Services of Egypt, as required by a contract concluded by the United States Government or a United States person prior to the date of the enactment of this Act.

''(B)(i) The strategy referred to in subparagraph (A) is a comprehensive strategy for modernizing and improving United States security cooperation with, and assistance to, Egypt in order to prioritize and advance the following national security objectives:

''(I) The strategy shall seek to enhance the ability of the Government of Egypt to detect, disrupt, dismantle, and defeat al Qaeda, affiliated groups, and other terrorist organizations, whether based in and operating from Egyptian territory or elsewhere, and to counter terrorist ideology and radicalization within Egypt.

''(II) The strategy shall seek to improve and increase the capacity of the Government of Egypt to prevent human trafficking and the illicit movement of terrorists, criminals, weapons, and other dangerous material across Egypt's borders or administrative boundaries, especially through tunnels and other illicit points of entry into Gaza.

''(III) The strategy shall seek to improve the ability of the Government of Egypt to conduct counterinsurgency and counterterrorism operations in the Sinai.

''(IV) The strategy shall seek to enhance the capacity of the Government of Egypt to gather, integrate, analyze, and share intelligence, especially with regard to the threat posed by terrorism and other illicit criminal activity, while ensuring a proper respect and protection for the human rights and civil liberties of Egypt's citizens.

''(V) Any other objective that the President determines necessary.

''(ii) The strategy shall also include an assessment of the extent to which the Government of Egypt is—

''(I) implementing policies to protect, and not to restrict, the political, economic, and religious freedoms and human rights of all citizens and residents in Egypt;

''(II) continuing to demonstrate a commitment to free and fair elections and is not interfering with such elections;

''(III) implementing the Egypt-Israel Peace Treaty;

''(IV) addressing restrictions in law and practice on Egyptian and international nongovernmental organizations, particularly those promoting human rights and democracy;

''(V) taking effective steps to combat terrorism in the Sinai;

''(VI) taking effective steps to eliminate smuggling networks and to detect and destroy tunnels between Egypt and Gaza; and

''(VII) implementing an agreement with the International Monetary Fund to promote necessary economic reforms.

''(C) Of the funds appropriated under the heading 'Economic Support Fund' that is available for assistance for Egypt, not less than $25,000,000 should be made available for democracy and education programs, including support for civil society organizations, and for programs to promote the rule of law and human rights.''.

SA 111. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BEGICH, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8119 and insert the following:

SEC. 8119. None of the funds made available by this Act may be used to retire, divest, realign, or transfer aircraft of the Air National Guard or Air Force Reserve, to disestablish or convert units associated with such aircraft, or to disestablish or convert any other unit of the Air National Guard or Air Force Reserve until each of the following occurs:

(1) The Comptroller General of the United States completes a study assessing such action, including an assessment of each of the following:

(A) The costs of infrastructure in connection with such action.

(B) The costs of any recruiting and training required in connection with such action.

(C) The effects of such action on local communities, including economic effects and any jobs to be gained or lost in connection with such action.

(2) The Inspector General of the Department of Defense completes a feasibility study on such section to determine and assess each of the following:

(A) The costs of infrastructure in connection with such action.

(B) The costs of any recruiting and training required in connection with such action.

(C) The environmental impact of such action.

SA 112. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8119, relating to a limitation on certain actions with respect to Air Force aircraft.

SA 113. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 580, between lines 4 and 5, insert the following:

SEC. 1811. Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (d)(8)—

(A) by inserting ''property maintenance,'' before ''insurance''; and

(B) by inserting '', including matters that set forth terms and provisions for establishing escrow accounts, performing financial assessments, or limiting the amount of any payment made available under the mortgage'' before the semicolon; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) by notice or mortgagee letter, establish any additional or alternative requirements that the Secretary, in his or her discretion, determines necessary to more effectively carry out the provisions of this section, and any such notice or mortgagee letter shall take effect upon issuance.''.

SA 114. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 579, line 2, after ''Public Law 112–55:'' insert the following: ''*Provided further*, That a public housing agency that does not receive from the Secretary of Housing and Urban Development an allocation sufficient to pay the full amount determined in the first proviso of such paragraph (3) under such heading in such Public Law may utilize unobligated balances remaining from housing assistance payment funds allocated to the public housing agency during a previous year, to the extent necessary to effect payment to the public housing agency of an amount not exceeding 90 percent of the full administrative fees and expenses payable to the public housing agency with respect to authorized vouchers under lease:''

SA 115. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR O&M FOR ACTIVITIES IN CONUS.—The aggregate amount appropriated by title II of this division for operation and maintenance is hereby increased by $60,000,000, with the amount to be available, as determined by the Secretary of Defense, for operation and maintenance expenses of the Department of Defense in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby decreased by $60,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Advanced Drop in Biofuel Production.

(c) For the purposes of section, as determined by the Secretary of Defense means a spend-out rate in compliance with the aggregate outlay levels as set forth in the Budget Control Act of 2011.

SA 116. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by division A, B, C, D, or E of this Act may be made used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person, unless pursuant to a bona fide criminal investigation.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division F, insert after section 1114 the following:

SEC. 1115. (a)(1) Notwithstanding section 1101, section 7041 of division I of Public Law 112–74 shall be applied to funds appropriated by this division by substituting this subsection and subsections (b) and (c) of this section for paragraph (1) of subsection (a) of such section 7041.

(2)(A) Except as provided under paragraph (4), none of the amounts appropriated or otherwise made available by this Act under the heading ''Economic Support Fund'' may be made available as direct budget support to the Government of Egypt unless a certification under subsection (b)(2) is in effect.

(B) Except as provided under paragraph (4), none of the amounts appropriated or otherwise made available by this Act under the heading ''Foreign Military Financing Program'' may be obligated for contracts with the Government of Egypt entered into on or after the date of the enactment of this Act unless a certification under subsection (b)(1) is in effect.

(C)(i) The limitation under subparagraph (B) shall not apply to defense articles related to counterterrorism, border security, or special operations capabilities.

(ii) Nothing in this subsection shall be construed to require the violation of an existing defense contract with the Government or Armed Forces of Egypt or to prevent or disrupt the production, transfer, or delivery of any defense article or service to the Government or Armed Services of Egypt, as required by a contract concluded by the United States Government or a United States person prior to the date of the enactment of this Act.

(3) Not later than 90 days after the date on which the Secretary of State transmits to the appropriate congressional committees an initial certification under paragraph (1) or (2) of subsection (b), and 180 days thereafter, the Secretary shall transmit to the appropriate congressional committees—

(A) a recertification that the requirements contained in such paragraph are continuing to be met; or

(B) a statement that the Secretary is unable to make such a recertification and that the certification is no longer in effect.

(4) The Secretary of State may waive the requirements of subparagraphs (A) and (B) of paragraph (2) if the Secretary certifies to the appropriate congressional committees that it is in the national security interest of the United States to do so and submits to such committees a report with the reasons for the certification.

(b)(1) A certification described in this paragraph is a certification submitted by the Secretary of State to the appropriate congressional committees that the following conditions have been met:

(A) The Government of Egypt has adopted and is implementing policies to protect, and is not restricting, the political, economic, and religious freedoms and human rights of all citizens and residents of Egypt.

(B) The Government of Egypt is continuing to demonstrate a commitment to free and fair elections and is not taking any steps to interfere with or undermine the credibility of such elections.

(C) Egypt is implementing the Egypt-Israel Peace Treaty.

(D) The Government of Egypt is taking effective steps to eliminate smuggling networks and to detect and destroy tunnels between Egypt and the Gaza Strip.

(E) The Government of Egypt is taking effective steps to combat terrorism in the Sinai, and an appropriate portion of funds made available under the heading ''Foreign Military Financing Program'' for assistance for Egypt is being used for counterterrorism

purposes, including equipment and training related to border security.

(F) The Government of Egypt has addressed restrictions in law and practice on the work, funding, and ability to operate of Egyptian and international nongovernmental organizations, particularly those promoting human rights and democracy, including the International Republican Institute, the National Democratic Institute, and Freedom House.

(2) A certification described in this paragraph is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(A) the conditions set forth in paragraph (1) have been met; and

(B) the Government of Egypt has signed and submitted to the International Monetary Fund a Letter of Intent and Memorandum of Economic and Financial Policies designed to promote critical economic reforms and has begun to implement such measures.

(c) Of the funds appropriated under the heading ''Economic Support Fund'', not less than $25,000,000 should be for democracy and governance programs for Egypt, including direct support for secular, democratic nongovernmental organizations, as well as programming and support for rule of law and human rights, good governance, political competition and consensus-building, and civil society.

(d) Not later than 180 days after the date of the enactment of this Act, the President shall, after consultation with the Government of Egypt and representatives of civil society in Egypt, submit to the appropriate congressional committees a report—

(1) describing the results of a policy review on Egypt on how to rebalance United States military and economic assistance to Egypt;

(2) analyzing the current security needs in Egypt; and

(3) summarizing all of the Foreign Military Financing contracts for the Government of Egypt carried out over the previous 10 years and describing plans for such contracts over the next 5 years.

(e) In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 118. Mr. BARRASSO (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 544, strike line 23 and all that follows through page 545, line 4, and insert the following:

(a) $1,556,596,000 for ''Forest Service, National Forest System'';

(b) $372,321,000 for ''Forest Service, Capital Improvement and Maintenance'';

(c) $28,000,000 for ''Forest Service, Land Acquisition''; and

(d) $1,971,390,000 for ''Forest Service, Wildland Fire Management''.

SEC. 1409. Notwithstanding section 1101, the levels of the following appropriations of the Department of the Interior shall be:

(a) $51,897,000 for ''National Park Service, National Park Land Acquisition'';

(b) $2,264,202,000 for ''National Park Service, Operation of the National Park System'';

(c) $12,344,000 for ''Bureau of Land Management, Land Acquisition''; and

(d) $960,757,000 for ''Bureau of Land Management, Management of Lands and Resources''.

SA 119. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 544, strike line 23 and all that follows through page 545, line 2, and insert the following:

(a) $1,556,596,000 for ''Forest Service, National Forest System'';

(b) $372,321,000 for ''Forest Service, Capital Improvement and Maintenance'';

(c) $28,000,000 for ''Forest Service, Land Acquisition''; and

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SA 120. Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. BEGICH, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 16 strike ''and (10)'' and insert ''(10) not less than $150,000 shall be used to implement a requirement that genetically engineered salmon be labeled clearly as such on packaging for sale to consumers; and (11)''.

SA 121. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. None of the funds appropriated or otherwise made available by this Act may be used to retire, divest, realign, or transfer Air Force aircraft assigned to the 18th Aggressor Squadron, Eielson Air Force Base, Alaska, or to disestablish or convert units associated with such aircraft, until the National Commission on the Structure of the Air Force submits to Congress the report required by section 363(b) of the National Defense Authorization Act for 2013 (Public Law 112–239).

SA 122. Ms. MURKOWSKI (for herself, Mr. COCHRAN, Ms. COLLINS, Mr. KING, Ms. WARREN, Mrs. SHAHEEN, Mr. COWAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 9 and 10, insert the following:

SEC. 111. (a) In addition to any other amount made available, $150,000,000 shall be made available for fisheries disasters as declared by the Secretary of Commerce in the year beginning January 1, 2012.

(b) Amounts made available in this title, other than the amount made available in subsection (a), shall be reduced on a pro rata basis by $150,000,000.

SA 123. Mr. DURBIN. proposed an amendment to amendment SA 115 submitted by Mr. TOOMEY to the amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; as follows:

At the end, add the following:

(d) This section shall become effective 1 day after the date of enactment.

SA 124. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 84 submitted by Ms. AYOTTE (for herself and Mr. CHAMBLISS) and intended to be proposed to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 13, strike the period and insert ''; and

(7) to affirm that the Authorization for Use of Military Force (Public Law 107–40) and the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) do not 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.

SA 125. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) REDUCTION IN AMOUNT FOR ARMY RDTE FOR MEADS.—The amount appropriated or otherwise made available by title IV of this division under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby decreased by $380,861,000, with the amount of the reduction to be allocated from amounts available under that heading for the Medium Extended Air Defense System (MEADS).

(b) INCREASE IN AMOUNT FOR O&M.—The aggregate amount appropriated by title II of this division for Operation and Maintenance is increased by $380,861,000, with the amount to be allocated among accounts funded by that title in a manner determined appropriate by the Secretary of Defense.

(c) For the purpose of this section, as ''in a manner determined appropriate by the Secretary of Defense'' means a spend-cut rate in compliance with the aggregate outlay levels as set forth in the Budget Control Act of 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 14, 2013, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Keeping up with a Changing Economy: Indexing the Minimum Wage'' on March 14, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 14, 2013, at 10 a.m. to conduct a hearing entitled ''Border Security: Measuring the Progress and Addressing the Challenges.''

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee of the Judiciary be authorized to meet during the session of the Senate, on March 14, 2013, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 14, 2013, at 10:30 a.m. in room 432 Russell Senate Office building to conduct a hearing entitled ''Helping Small Businesses Weather Economic Challenges & Natural Disasters: Review of Legislative Proposals on Access to Capital and Disaster Recovery.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 14, 2013, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that MAJ Steve Warren, a U.S. Army officer who is currently serving as a defense legislative fellow in my office, be granted floor privileges for the duration of consideration of H.R. 933.

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

INSTRUCTION MODIFICATION TO AMENDMENT NO. 29, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adoption of the Inhofe amendment No. 29, as modified, the instruction line on the amendment be modified with the changes that are at the desk. This is to make sure it is placed in the proper location of the substitute amendment.

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

The modification is as follows:

At the end of title IV of division F, insert the following:

BUDGET COMMITTEE REPORTING AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment or recess of the Senate, the Budget Committee be authorized to report legislative matters on Friday, March 15, from 11 a.m. to 12 noon.

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

MEASURES READ THE FIRST TIME—S. 582 AND S. 583

Mr. REID. Mr. President, there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The assistant legislative clerk read as follows:

A bill (S. 582) to approve the Keystone XL Pipeline.

A bill (S. 583) to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

Mr. REID. Mr. President, I object to both bills at this time.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time during the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 112–272, appoints the following individuals to be members of the World War I Centennial Commission: Philip Peckman of Nevada and James Nutter, Sr., of Missouri.

ORDERS FOR MONDAY, MARCH 18, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, March 18, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 933; further, that the second-degree amendment filing deadline be 4:30 p.m. on Monday; finally, that notwithstanding rule XXII, the cloture vote on the Mikulski-Shelby substitute amendment be at 5:30 p.m. on Monday.

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

PROGRAM

Mr. REID. Mr. President, the managers of the bill will work on a finite list, as we have announced, of amendments to the CR over the weekend. Senators should expect a rollcall vote at 5:30 p.m. on Monday—either a cloture vote or votes in relation to amendments.

ADJOURNMENT UNTIL MONDAY, MARCH 18, 2013, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Monday, March 18, 2013, at 2 p.m.