

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.

**SA 3291.** Mr. PRYOR (for himself, Mr. JOHANNIS, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver’s license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SA 3292.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LEVIN. I ask unanimous consent that on Monday, December 3, 2012, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 760; that there will be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be made

and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. LEVIN. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 676; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and that no further motions be in order on the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

## HATCH ACT MODERNIZATION ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 508, S. 2170.

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

The assistant legislative clerk read as follows:

A bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Hatch Act Modernization Act of 2012”.*

### SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

*Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:*

*“(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.”.*

### SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) *STATE OR LOCAL AGENCY*.—Section 1501(2) of title 5, United States Code, is amended by inserting “, or the executive branch of the District of Columbia, or an agency or department thereof” before the semicolon.

(b) *STATE OR LOCAL OFFICER OR EMPLOYEE*.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

“(i) a State or political subdivision thereof;

“(ii) the District of Columbia; or

“(iii) a recognized religious, philanthropic, or cultural organization.”.

(c) *EXCEPTION OF CERTAIN OFFICERS*.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking “‘or municipality’” and inserting “, municipality, or the District of Columbia”;

(2) by striking “‘or municipal’” and inserting “, municipal, or the District of Columbia”.

(d) *MERIT SYSTEMS PROTECTION BOARD ORDERS*.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting “(or in the case of the District of Columbia, in the District of Columbia)” after “the same State”.

(e) *PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE*.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding “or” at the end;

(2) in subparagraph (B), by striking “or” at the end;

(3) by striking subparagraph (C); and

(4) by striking “services;” and inserting “services or an individual employed or holding office in the government of the District of Columbia;”.

(f) *EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES*.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

“(1) the municipality or political subdivision is—

“(A) the District of Columbia;

“(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

“(C) a municipality in which the majority of voters are employed by the Government of the United States; and”.

### SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

#### “§ 7326. Penalties

“An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”.

### SEC. 5. EFFECTIVE DATE.

(a) *IN GENERAL*.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) *APPLICABILITY RULE*.—

(1) *IN GENERAL*.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) *EXCEPTION*.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settle-

ment agreement with the Special Counsel with respect to the alleged violation.

Mr. LEVIN. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the committee-reported title amendment be agreed to with no intervening action or debate; and that any related statements be printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

The bill (S. 2170), as amended, was ordered to be engrossed for a third reading, was read the third, and passed.

The title amendment was agreed to, as follows:

Amend the title so as to read: “A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the ‘Hatch Act’, to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.”.

### CONGRATULATING THE SOUTHERN BAPTIST CONVENTION FOR ELECTING REVEREND FRED LUTER, JR., AS PRESIDENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 518 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 518) congratulating the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 518

Whereas the Southern Baptist Convention formed in 1845 in Augusta, Georgia, in opposition to the abolition of slavery;

Whereas the Southern Baptist Convention supported racial segregation for much of the twentieth century;

Whereas the Southern Baptist Convention issued a resolution stating that the Convention sought to purge itself and society of all racism in 1978;

Whereas the Southern Baptist Convention issued a resolution denouncing racism as a deplorable sin in 1995;

Whereas, in 2012, the Southern Baptist Convention is a cooperative of more than 45,000 churches that seek diligently to bring about greater racial and ethnic representation at every level of Southern Baptist institutional life;

Whereas Reverend Fred Luther, Jr., was born on November 11, 1956, in New Orleans, Louisiana;

Whereas Reverend Luther preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, Louisiana;

Whereas Reverend Luther became the pastor of Franklin Avenue Baptist Church in 1986;

Whereas, under the leadership of Reverend Luther, the Franklin Avenue Baptist Church community grew from 65 members in 1986 to more than 7,000 members in 2005;

Whereas the Franklin Avenue Baptist Church was destroyed in 2005 by Hurricane Katrina and lost approximately 2,000 members;

Whereas Reverend Luther, in cooperation with Reverend David Crosby, found a temporary home for Franklin Avenue Baptist Church during the aftermath of Hurricane Katrina;

Whereas, continuing that spirit of cooperation, Reverend Crosby nominated Reverend Luther to become president of the Southern Baptist Convention;

Whereas Reverend Luther was elected to be the first African-American president of the Southern Baptist Convention on June 19, 2012; and

Whereas the election of Reverend Luther brings great pride and honor to the membership of the Southern Baptist Convention: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention;

(2) acknowledges Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention; and

(3) honors the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

### NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 605, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 605) designating the week beginning November 26, 2012 as National Tribal Colleges and Universities Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

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