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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HARPER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 4, 2012.

I hereby appoint the Honorable GREGG HARPER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE J. WELLINGTON WIMPY REVENUE PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, yesterday the Republicans released a vague press release saying it constituted a counteroffer to the President's roadmap to avoid driving over the fiscal cliff.

Now, the Republican plan purports to cut $1.3 trillion and raise $800 billion in new revenues. It did contain four specifics. Four.

Cut Medicare, specific number 1, $600 billion.

Cut Medicaid, pays for nursing homes for seniors, of course, priority number 2.

Cut the already inadequate COLA for seniors on Social Security, even though 40 percent of seniors depend principally or totally upon Social Security, and the COLA already underestimates inflation, particularly for medical care, prescription drugs, and other essentials they have to buy. Cut that. Not a driver of the deficit but, hey, why not? Cut that.

One more specific, preserve the Bush-era tax rates for income over $250,000. Now, there's a big misunderstanding about that. It's not a tax increase on everybody who earns over $250,000. It's only the income over $250,000 that would get additional taxes if the Bush-era rates went away and the President's proposal was passed.

But, no, they want to preserve that, totally preserve tax cuts for people with income over $250,000. They also want to preserve the reduced capital gains rate and dividends rate which principally benefits—who else—millionaires and billionaires.

Now, they did promise the J. Wellington Wimpy revenue plan. Remember J. Wellington Wimpy? Popeye, I'll gladly pay you Tuesday for a hamburger today.

That's their revenue plan. Next year we'll close unspecified tax loopholes, but we're going to lower the tax rates on investor income, lower the tax rates on the people at the top. But they're going to raise $800 billion by closing unspecified loopholes.

What would that be?

Do they want to take away the middle class' one tax shelter, that is, the ability to deduct the interest on their home mortgage? Probably.

If they're going to raise that $800 billion, it's going to come from something pretty big, and they don't want to touch the billionaire-millionaire job-creator class.

Now, that's a pretty interesting position, and their position is the job creators who earn over $250,000 a year will go on strike, strike if their tax rates go up. They won't produce jobs.

Tell me about the jobs they have produced in the last decade with those tax cuts. It doesn't seem to work, does it?

But in the Clinton era, when their rates went up to 39.6 from 35, they paid a little bit more and, guess what, the economy boomed. We had 3.8 percent unemployment, we balanced the budget, and we paid down debt.

But now they're saying if they went back to those Clinton-era rates, disaster would result. Well, you know what?

That's the same thing they said when they opposed Clinton tax increases in '94. They said disaster will result. Not a single Republican, fiscal conservatives that they are, voted for the increases in taxes that President Clinton put forward, which ultimately led to a balanced budget and paying down debt for the first time in 50 years. Not one of them because they said it would bring economic disaster and, instead, it brought prosperity.

So they just brought out that old broken record. They glued it back together, or maybe they, you know, translated it into a digital format or something, but they're playing it again, and it's as valid now as it was then.

So it's the same old plan. Stick it to the middle class, stick it to the seniors, and benefit the ultra-wealthy in this country. That's not a new plan. That's the same old broken record.

SAFER ACT FOR SEXUAL ASSAULT VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Printed on recycled paper.

Mr. POE of Texas. Mr. Speaker, one of the most marvelous scientific breakthroughs in the criminal justice system has been DNA evidence. I remember when I was a judge in the courthouse when DNA started being used at the courtroom.

Prior to DNA, many times prosecutors and law enforcement had to rely on blood samples and fingerprints. But once DNA came in, we learned that everybody has a unique genetic makeup that can be tested and it can be traced to perpetrators of crime when they commit a crime, especially in sexual assault cases.

And convictions have gone up. The evidence is better. The proof beyond a reasonable doubt is much more concrete in DNA cases.

In 1985, there was a 13-year-old girl named Lavinia Masters. Lavinia lived in Dallas, Texas. One evening she told her folks good night. She went to her bedroom, which should be, Mr. Speaker, the safest place on Earth for children. Went to sleep, and during the middle of the night, she was woken up by an outlaw putting a knife to her throat. He sexually assaulted her. Then he snuck away in the darkness of the night.

That was in 1985. She went to the hospital. Her parents took care of her medical needs. DNA evidence was taken from her and put in a ''rape kit''. It was given to the law enforcement authorities, but that DNA evidence from that sexual assault that night in 1985 was not tested for 20 years. It sat on the shelf in a crime lab somewhere in Dallas, Texas.

Because the Dallas Police Department had a new incentive to go and look at those old cases, this case was looked at 20 years later. That evidence was tested, and the Dallas Police Department discovered that Kevin Glen Turner had committed this crime back in 1985. But that was 20 years ago. The statute of limitations had run, and justice could not occur in Lavinia's case because the system waited too long to find the outlaw.

Kevin Turner turned out to be a criminal in other cases and ended up in the penitentiary for those crimes, but justice was denied for Lavinia, denied because of bureaucratic red tape.

You see, Mr. Speaker, many rape kits sit on the shelves of evidence rooms across the country untested. Some of them sit there so long that they're discarded by law enforcement, and the statute of limitations runs like it ran in Lavinia's case.

She is not alone, Mr. Speaker. There are 400,000 untested rape kits in this country—400,000, that's a number; but every one of those represents a person. To try to put it in some perspective, there were a little over 400,000 Americans killed in World War II. They were killed by the enemies of our country. 400,000, primarily young women, have been assaulted by rapists who try to kill the soul of these victims. It's important that we not stop prosecuting these cases because of funding.

That's why I've introduced, along with Congresswoman MALONEY from New York, the bipartisan SAFER Act, companion bill with the bipartisan bill in the Senate by Senator CORNYN and Senator BENNET.

The SAFER Act does a lot of good things, but basically it allows funding to go so to make sure that we test these cases. It audits these backlogs so that we know where these cases are that are sitting on the shelves. So it does the audit. It gets more funding. It brings these cases to justice so that we can make sure that these victims of crime have their day in court as well.

□ 1010

DNA is a wonderful thing. It's important that we make sure that that evidence is available for law enforcement, prosecutors, and judges in the courtroom.

She was a child. Lavinia was a child when she was sexually assaulted. That was a long time ago. But there are 400,000 cases waiting to be tested. This is something that we can do in a bipartisan way today, to test those cases so we can bring justice to the victims of crime and make sure those outlaws get their day in court as well and be held accountable for the rape of children in our country.

And that's just the way it is.

FIGHTING HIV/AIDS: A PILLAR OF SMART SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this past weekend, we observed World AIDS Day, a time to remember those lost to this horrific disease and to recommit ourselves to prevention, treatment and, ultimately, a cure. For more than 30 years now, HIV/AIDS has exacted a huge toll, killing more than 25 million people. Every 9.5 minutes in our country, someone is infected. But this is predominantly a disease of the developing world. A shocking 33.4 million people are living with HIV/AIDS today, almost all in the world's poorer countries, particularly sub-Saharan Africa. Too many of them don't have access to the medication and overall health care infrastructure that they need.

AIDS is linked to many other problems of poverty, malnutrition, and other infectious diseases as well. It contributes to instability and a sense of hopelessness in countries that are already susceptible to violence and terrorism. If we don't contain and defeat this epidemic, it will undermine democratic governments, it will continue to impede economic growth overseas, and it will threaten us right here in the United States. In other words, this isn't just an economic issue or a health care issue; it's a national security issue.

Unfortunately, Mr. Speaker, over the last decade, ''acting in our national security interests'' has come to mean invading and occupying foreign nations. The Iraq war lasted 9 years and was responsible for untold human misery. The Afghanistan war, now in its 12th year, continues to damage our national security interests instead of enhancing them. It hasn't defeated the Taliban, nor has it alleviated crushing poverty or produced a stable democracy in Afghanistan. And then there's the cost—some $10 billion a month. That would be a staggering amount of money for a successful policy. For a failed policy, it's downright scandalous. And it is rarely mentioned in all the conversations about so-called deficit crises and fiscal cliffs.

USAID and other civilian arms of government could do a world of good towards solving the AIDS crisis with a fraction of that money. Why does the Pentagon get a blank check while agencies that dispense aid have to fight for every single nickel that they receive? Why do we spend without restraint on wars and weapons that destroy lives but we squeeze those programs that save lives?

For many years now—and you have all heard me; this is my 443rd 5-minute speech on this issue. For many years now, I have been promoting the idea of SMART Security. SMART Security means protecting our interests not with military force or by maintaining a massive nuclear arsenal, but by investing in development and diplomacy and through humanitarian assistance and partnerships around the world.

At the AIDS Conference in Washington this past summer, there was a panel discussion on how, in the struggle against HIV/AIDS, we can do more with less. And what I want to know is: Why do we have to settle for less when it comes to HIV/AIDS? This is a humanitarian crisis. Our sense of moral decency should compel us to invest whatever it takes to bring an end to it.

It's not just the right thing, Mr. Speaker; it's the smart thing to do for our national security. Let's bring our troops home, let's implement SMART Security now, and let's have the resources available for what we really need to invest in around the world.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I find it so ironic that our Nation is on the cliff of collapse and yet we continue to borrow money from China to prop up a corrupt leader in Afghanistan. Our country is in the most dire of fiscal straits, and we continue to send money to Afghanistan. The worst part is, the money we are sending, we cannot audit, and many times the taxpayers' money ends up in the hands of the Taliban to buy weapons to kill Americans.

Mr. Speaker, this poster beside me is a book that I read. The title is, ''Funding the Enemy.'' The subtitle is, ''How U.S. Taxpayers Bankroll the Taliban.''

I would like to quote Lisa Freeman, who recently acknowledged that we have lost 2,000 young Americans in Afghanistan. She lost her son, Captain Matthew Freeman, in 2007, in Afghanistan. Ms. Freeman said:

> Where is America's outrage? Where is America's concern that we're still at war?

I agree with Ms. Freeman. Where is the outrage here in Congress? Does it make any sense that we continue to borrow money from foreign governments to prop up a corrupt leader and half the money going to the leader of Afghanistan ends up in the hands of the Taliban to buy weapons to kill Americans? Our Nation is broke—China owns us—and we're sending our young men and our money to Afghanistan, yet we're going to cut programs right here in America for the American people.

The American people need to put the pressure on Congress to bring our troops home now and not wait until December of 2014. Mr. Speaker, I assure you, if we start bringing them home in December of 2014, it will become 2015 and it will become 2016, and how many more families have to cry about their loved ones being killed in a war that has no end to it?

Mr. Speaker, again, I ask the people to look at this poster and realize that this war is costing us in so many, many ways—the most important, our young men and women who are dying. If you agree with me that we need to bring our troops home before the current December 2014 deadline, please go to www.bringthemhome2013.com and sign the petition.

Mr. Speaker, I have been to Walter Reed and Bethesda now so many times to see the broken bodies, to see the faces of the moms and dads with pain in their face, to see the young men or women's faces that know that they will never be physically able to do what they had done before going to Afghanistan.

With that, Mr. Speaker, I make one last reference. I would hope that colleagues of mine in both parties would read this book, ''Funding the Enemy,'' by Douglas Wissing, ''How the U.S. Taxpayers Bankroll the Taliban.''

This is a sin, and it must stop.

Mr. Speaker, I ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, to bless the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to help this Congress come together with the Senate and come forward with a plan that we, the American people, can be proud of. I ask three times, God please, God please, God please continue to bless America.

NAMES OF RECENTLY DECEASED IN AFGHANISTAN

Spc. Daniel L. Carlson
Pfc. Brandon L. Buttry
Staff Sgt. Dain T. Venne
Spc. Ryan P. Jayne
Spc. Brett E. Gornewicz
Petty Officer 2nd Class Matthew G. Kantor
Cpl. Alex F. Domion
Staff Sgt. Kashif M. Memon
Sgt. Clinton K. Ruiz
Chief Warrant Officer Michael S. Duskin
Pfc. Shane G. Wilson
Sgt. Robert J. Billings
Spc. Brittany B. Gordon
Cmdr. Joel Del Mundo Tiu
Sgt. First Class Ryan J. Savard
Sgt. Thomas R. Macpherson
Culinary Specialist 2nd Class Milton W. Brown
Warrant Officer Joseph L. Schiro
Staff Sgt. Justin C. Marquez
Sgt. Camella M. Steedley
Sgt. 1st Class Daniel T. Metcalfe
Sgt. Thomas J. Butler IV
Sgt. Jeremy F. Hardison
Sgt. Donna R. Johnson
Sgt. 1st Class Aaron A. Henderson
Sgt. 1st Class Riley G. Stephens
Staff Sgt. Orion N. Sparks
Sgt. Jonathan A. Gollnitz

□ 1020

DO WHAT'S RIGHT FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, America has always been known to rise to the occasion—the American people, our values—when there is a need for us to come together. Just a few minutes ago, I sat in for a moment on the recapturing of the enormous bravery of those who were on Flight 93, Americans who came together and made a sacrifice. So although all my remarks will not speak to the issue of sacrifice, some of what I say this morning speaks to the values of the American people who always, when called upon, have said: Send me.

But first I'd like to speak to an issue of just basic fairness. Let me give great respect to the constitutional premise that the Senate has the right to advice and consent. Of course that comes with the Presidential right to nominate persons to serve in his or her administration—either at the Cabinet level, under Secretaries, various appointees—throughout the administration, administrations from years gone by. So I rise today to query the character assassination of Ambassador Susan Rice. She has not been nominated.

We are so fortunate to have such a dynamic Secretary of State in Hillary Clinton, who has indicated her desire to leave the administration at the end of her term, but has also indicated her willingness to continue her work—recently in Syria, possibly even today in that devastating area.

Certainly, her partner at the United Nations for 4 years in diligent, excellent, astute, thoughtful and patriotic service has been Susan E. Rice, a daughter of Washington, D.C. and parents who loved America, a graduate of Stanford University, where of course she earned department honors and university distinction, became a Harry S. Truman scholar, Phi Beta Kappa and a Rhodes scholarship, certainly a beginning that did not warrant the kind of personal attacks that we have seen.

I think we should leave politics and campaigns and won or lost races to November 6, 2012, for you cannot debate a political and Presidential campaign around a patriotic public servant. If there is a nomination for Ambassador Rice, the Senate has every right to advice and consent, and the votes need to be taken on up and down.

I can assure you that if she is nominated by the President she will serve this Nation well, as she has done in the past. I know her well as the Assistant Secretary for African Affairs under the Clinton administration, dealing with very difficult issues involving African countries such as Ethiopia and Eretria, responsive and detailed. Why in the world, with others who may have been equally culpable in misunderstanding what actually occurred on that day—the tragic day where we should be speaking more to the loss of brave Americans in Benghazi, Libya—why is she the one that is pinpointed, pinpointed, pointed, and with, I think, inappropriate accusations, casting aspersions and doing damage to a reputation of service that is undeserving?

So my words are simply this: let's be fair. Let's carry on our rights as Members of Congress to speak to the issue of what a tragic incident occurred in Benghazi. If there is a nomination—which I hope there will be—among the many talented people that the President has, it will be his choice. Senators that are eager, friends of mine, Senator KERRY and others, may have this opportunity. But let us hold to the premise that you are innocent until proven guilty, that someone's great service is deserving of respect—and she is deserving of respect. Susan Rice is deserving of respect.

Let me move quickly to this idea that America cannot settle its issues of financial concern before the fiscal deadline. See, there is no cliff, because as we all well know, the simple premise of making sure that we have tax cuts for those making $250,000 and below have the right to follow through on the President's premise because this is what the American people voted on.

Vote for the tax relief for $250,000 and below, Mr. Speaker, and move forward in reconciliation on doing the right thing for Medicare holders, Social Security, and Medicaid. None of that has anything to do with the deficit; therefore, we need to know that we are in a nonstarter position, Mr. Speaker. We need to go forward and reconcile to do what is right for the American people.

BUHLER, KANSAS, IS UNDER ASSAULT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Mr. Speaker, today I rise in support of the 1,300 citizens of

Buhler, Kansas—and indeed all Kansans—and in fact all Americans who value religious freedom and religious liberty.

The citizens of Buhler are under assault. They are the latest victims of an ungodly extortion racket perpetrated by the Freedom from Religion Foundation based in Madison, Wisconsin.

On September 14, 2012, the Freedom from Religion Foundation sent a letter to the mayor of the town of Buhler, Daniel Friesen, alerting him to the foundation's intent to sue the city for its city seal, which contained a cross, and for a billboard that included elements of that city seal that was in a city park. Mr. Speaker, this is an outrage. The seal and sign are harming no one; they are widely embraced by the citizens of Buhler, Kansas.

The seal contains the words ''traditional values'' and ''progressive ideas.'' Unfortunately, in this case, progressive ideas are making war on traditional values, and it's high time for that to stop.

Some will claim that the First Amendment to the Constitution requires the cross to be removed from this seal and sign. That's hogwash. The First Amendment begins with the words: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'' In this instance, Congress made no law. For that reason alone the First Amendment does not apply.

Furthermore, it cannot be said that this simple seal in any way is an establishment of religion; meaning that there is no officially supported sect or denomination here in the manner that some of the American colonies had. This is not in any way an endorsement of any particular religion or any religious denomination.

In short, the First Amendment, as originally written, has nothing to do with this city's sign. Indeed, for the first 175 years of our constitutional history, no one would have read the First Amendment in any way that would have prevented this seal or this sign.

Mr. Speaker, in this very room in which I stand, this very Chamber, right over my right-hand shoulder is a sign that says ''In God We Trust.'' Near the rotunda of the Capitol is the Congressional Prayer Room, a chapel that's been in use since 1955 as a place where Members go to pray for divine guidance in debating the issues of the day. A stained glass window there shows President George Washington kneeling in prayer and the words of Psalm 16:1 surround him: ''Preserve me, O God, for in thee do I put my trust.'' And a Holy Bible rests on the alter beneath that window in this very building.

Of course I grant you that the First Amendment has been badly interpreted by the U.S. Supreme Court. Indeed, the 10th Circuit's rulings are even more troubling. It could well be that in this case the city would lose this case.

I don't fault the citizens of Buhler, Kansas, for the process that they're going through in trying to figure out how to proceed. Indeed, the Freedom from Religion Foundation knows this. They know that they've attacked a city, threatened to sue a city with very few resources. We will have a very difficult time battling an extended period of litigation. I do not fault the folks in Buhler at all for trying to figure out a way to move forward without resulting in litigation.

But why didn't the Freedom from Religion Foundation sue the United States Congress for all that I spoke about just a minute ago? The reason is obvious. The reason is they are being bullies. They are seeking to put their secular vision in a place where they believe they can do it without opposition, a place that has fewer resources. Folks will face a very, very difficult decision about how the town and the city should move forward.

Mr. Speaker, I hope that this assault on religion in the public square will end soon. I am very saddened by the recent events in Buhler, Kansas. I am angered by the extortionary tactics of the Freedom from Religion Foundation. And, above all, I am determined to ensure that the religious heritage of our great Nation will not be cast aside.

□ 1030

AMERICA'S FINANCIAL FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, there is a great deal of hyperactive rhetoric about the fiscal cliff and the trouble ahead. The fact is that people should just take a deep breath and focus on where we are and where we need to go.

First of all, it's not a fiscal cliff but a slope. There are many opportunities for us in the weeks ahead to be able to change the unsustainable trajectory of America's financial future. There are many efforts already evident and people taking steps to try to cope with it.

The President campaigned very explicitly on raising the top tax rates. It was something that was embraced by Democrats running for the Senate and virtually all of them running for the House. The President won. The Senate actually increased in Democratic numbers. There were more Democrats added to the House. And more Americans voted for the President and his vision, for the Senate Democrats, and for Democrats in the House than my Republican friends on the other side of the aisle.

It's encouraging that the President has decided that he's no longer going to negotiate with himself. He's laid out his positions and has encouraged a response. I, for one, was pleased that there was a proposal offered up by my Republican friends, signed not just by the Speaker but the entire Republican leadership. While it still does not have the specifics about what those elusive tax loopholes that they want to close are, which will raise sufficient revenue, I find this an encouraging sign that there is an effort, for the first time, to put something back, and I think there are opportunities for people to flesh out the details. There is an opportunity for tax reform; our system now is not efficient. It's chaotic. It's expensive. It's unfair and perplexing. There is an opportunity for us going forward to add a little more rationality to it while it raises more revenue.

There are countless opportunities in the Department of Defense to save money, starting with $250 billion in the nuclear arsenal for weapons that we will never use and don't need. There are opportunities for agricultural reform. And it's been my pleasure to work on bipartisan reform efforts with Senator-elect JEFF FLAKE of Arizona and my friend from Wisconsin, PAUL RYAN. And there are real opportunities in health care.

Now I hope my Republican friends will stop the charade we went through this last 2 years repealing ObamaCare some 37 times. That train has left the station. The President was reelected. It's not going to be repealed. The Supreme Court has decided that it's constitutional. And most of the major health care players are busy at work implementing health care reform. But we have barely scratched the surface of the ability to squeeze more value out of the health care system.

The United States does not have to spend nearly twice as much as all the other developed countries and actually have health care results that, on average, are worse than our European and Japanese friends.

We have the best health care in the world for some Americans. But too many are denied regular health care, and others are paying too much for results that aren't good enough.

We know what to do: embedded in the health care reform act are elements of reform that used to have bipartisan support, starting with the mandate that was cosponsored by 16 Republican Senators, elements of reform that were implemented by Republican and Democratic Governors alike, including Governor Romney. It's time for us to act on those elements, to accelerate the reform.

I note with no small amount of irony that the $716 billion that the Republican ticket, Mr. Romney and Mr. RYAN, used to campaign against the President, PAUL RYAN's budget included the same reductions, and it's likely that they will be in his budget that's coming forward.

Let's act on things that we agree. Let's rebuild and renew America and find ways to save money and put us on the path to fiscal responsibility that the American public needs and demands.

WHAT IS THE FISCAL CLIFF?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Well, in a few days, we're going to have to resolve the fiscal cliff—ironically enough, something that the House of Representatives passed last May. In April, we set out a tax plan. In May, we set out a sequestration plan, passed it through the House, sent it to the Senate who said, We will see you during the lame duck time period.

We are in the lame duck now, and this has to be resolved. We have to solve the problem. But quite frankly, the first thing we need to do is to be able to define what the problem even is. It seems that one group is talking about how the real problem is the fiscal cliff, and the other group is talking about how the real problem is the debt and the deficit. Well, what is the problem? The issue is, we have $16.3 trillion in debt as a Nation, $1 trillion or more in overspending each year for the last 4 years.

Let me set the example of what this really means: in 2007, our tax revenue—how much we are bringing into the Treasury—was almost exactly what it is in 2012. From 2007 to 2012, the revenue is almost identical. The difference is, our spending has gone up $1 trillion a year from 2007 to 2012, so now that's $1 trillion total over the course of that time that's slowly built up. But each year, we've been over $1 trillion in spending. While our revenue has stayed consistent, basically, from 2007 to 2012, that dramatic spending increase has happened.

We seem to identify that as the real problem. We're overspending. And until you deal with that issue, you cannot raise taxes enough to be able to keep up with $1 trillion of accelerated spending.

So what is the cliff? And I have to tell you, I have so many people from my district and other places that catch me, pull me aside quietly and say, We hear about the fiscal cliff. We're not even 100 percent sure of what it is. Well, it's really the combination of three things:

The first of them is, the ObamaCare taxes begin January 1 of next year. Those taxes will hit the middle class and the upper brackets. Those taxes, when they kick in, will raise the rates on people making $200,000 or more and will also remove deductions from the middle class, things like the flexible spending accounts. For those that have high medical bills, their taxes will now go up. For people that have high medical bills and are able to offset some of the taxes they pay because they pay more than 7.5 percent of their own income in medical bills, they will now have their taxes go up. So people like diabetics, heart patients, stroke patients, people with special needs children, their taxes all go up January 1, as well as people making $200,000 or more, their tax rates will also go up on January 1. That's the first part of the fiscal cliff.

The second part of it is the spending decrease that this Congress and the President agreed to last summer. We have dramatically increased spending; we have to reduce that spending. That spending decrease that was agreed to had a deadline by the end of this year. If it didn't, there would be across-the-board cuts. The House passed all of our spending decreases in May. The Senate has yet to pass any. So with that, we're stuck with across-the-board cuts that kick in early January.

The third part of that is the expiration of the tax rates for all Americans. In 2001, in 2003, and then extended during the lame duck of 2010, every American's tax rates were extended out to expire the 31st of December. Every tax rate from the lowest to the highest is set to go up.

Now some people see that the problem is that we're not taxing enough, and so that solves the problem—to just go off the fiscal cliff, and everyone will be taxed more. Some people see that we don't take enough from one group and give to another group, so we can solve that. Some people have even said, Let's go back to the Clinton tax rates; with the Clinton tax rates, we had a booming economy, and we were creating more jobs. Well, to that, I would say, well, if increasing taxes increases economic activity, why don't we go to a 95 percent tax rate, and then we'll really have a booming economy. The reason that no one proposes that is because no one really believes that. That is why the accelerated tax rate that is being recommended by the White House is also being proposed with a stimulus plan, another spending plan to offset the damage that's going to be done with the tax increases.

Here is the example that I can talk about with this: when people talk about, just raise taxes on the upper 2 percent, well, let me give you an example of what's being proposed by the President. Capital gains will go from 15 percent to 23.8 percent next year. Dividends would go from 15 percent to 43.4 percent.

Now I have a lot of people that will say to me, just raise it on the upper brackets. But when I tell them, can I tell you what that means—their taxes go from 15 percent to 43.4 percent—I have yet to have anyone stop me and say, Oh, that sounds fair. It doesn't. It just sounds so much easier to say, raise it on someone else, not on us.

We have to solve the problem. Just raising taxes doesn't solve the problem. We're spending $1 trillion more than what we did 5 years ago with a tax revenue the same. If we do not focus on spending, we will never solve the problem.

□ 1040

SAVING THE 911TH AIRLIFT WING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Speaking of saving money, here is an interesting story.

Just 2 weeks after Texans in Randall County voted for Republican Barry Goldwater over their native son, Lyndon Johnson, in the Presidential race in the 1960s, the Pentagon announced Randall County's Air Force base was closing. Folks were ''flabbergasted'' said an Amarillo newspaper columnist. The Air Force had just made millions in investments at the base, but now airmen and equipment were moving to a nearby county that supported Johnson.

It was this kind of abuse of executive power that led Congress to write a new law ensuring we had proper oversight over base closures. In my Pennsylvania's 18th Congressional District, we're finding out why that law must be strengthened. Last week, I learned the Air Force is again attempting to shut down the 911th Airlift Wing, an Air Force Reserve base, for a reason that has nothing do with cost or military strategy. In fact, the 911th is one of the most lean and cost-effective bases in the country.

How and why they can do this without congressional approval is interesting. The Air Force claims inaccurately there are fewer than 300 civilian employees authorized to be employed at the 911th, allowing the Pentagon to close the base without congressional review. The Pentagon, however, has invested over $50 million in improvements in the base, including new buildings in the last 5 years. The 911th, however, has lower overhead costs because emergency responses like fire and safety, air traffic control, security, runway maintenance, and land are provided by Pittsburgh International Airport for free. Hence, if the 911th were forced to in-source those activities, the number of authorized personnel would be hundreds more, and would far exceed the 300-person threshold. Thus, the Pentagon would be prevented from unilaterally closing it. Further, the Air Force Reserve would have to invest millions more in equipment and training if it was not provided for free, but the Air Force did not look at any of these numbers, and they did not review the cost of the space.

The Pentagon is trying to close the base because they can, not because they should. In their haste to come up with a quick cut, it will cost the taxpayers over $100 million in coming years, and that is why Congress needs to have oversight.

The House has passed a defense bill to prevent a suboptimal decision like this one in the future. The House bill includes language requiring the Pentagon to notify Congress about any base closure or transfer of troops impacting more than 1,000 uniform personnel. Unlike the way the Air Force is operating now, the Defense Department would have to include a justification for the reduction, an evaluation of

the costs and benefits, and an evaluation of the local, economic, environmental, strategic, and operational consequences. By requiring significant reductions in uniform personnel to be included in the budget request, Congress will have two opportunities to review, block, or approve a base closure in the annual defense authorization bill and the defense appropriations bill.

The Senate is nearing completion of its version of the defense bill today, and it's my hope that both Chambers will work to restore Congress' proper oversight authority. The issue facing Congress is not a new one. Since the 1960s, the executive branch has tried repeatedly to close bases for reasons other than the best interests of taxpayers or the military. The necessity of a strong base closure law giving Congress oversight of these decisions was perhaps best expressed in 1985 by Senator CARL LEVIN. He said:

> These protections against untrammeled executive power to close bases came because Members of this Senate and this Congress felt that the power to close bases had been abused and had been used as a club over Members of Congress.

Today, it is the 911th, but tomorrow it could be a base in any Member's district. I urge my colleagues to support efforts to strengthen the base closure law.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dr. Glen Bohannon, College Acres Baptist Church, Wilmington, North Carolina, offered the following prayer:

Our Father in Heaven, who desires that all people breathe the fresh air of freedom, enable us to walk worthy of all rights sacrificially handed down to us by patriots past and present.

So lead us that we will not take for granted the blessings of our Constitution, our laws, and all institutions that help make these United States an instrument of peace and purpose.

Strengthen our resolve not to confuse liberty with license, restraint with weakness, and half error with full truth.

Empower and motivate us to cultivate a spirit of goodness and a high sense of honor. Deepen our desire to practice virtues of conduct to help make our Nation strong and deserving to endure.

Our eternal God, open our eyes today to see that our Nation's greatest threat is not all external, but the inner thought that we can afford to live without dependence upon You. This I pray in the name of our Lord Jesus Christ.

Amen.

THE JOURNAL

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

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

Mr. WALZ of Minnesota. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota 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.

POSTPONING CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Without objection, the Private Calendar will be called after 1-minute speeches today.

There was no objection.

WELCOMING REVEREND DR. GLEN DALE BOHANNON

The SPEAKER. Without objection, the gentleman from Texas (Mr. CULBERSON) is recognized for 1 minute.

There was no objection.

Mr. CULBERSON. Mr. Speaker, it is a privilege to have with us today as our guest chaplain, Dr. Glen Dale Bohannon, who now pastors a church in North Carolina, but who understands clearly the importance of this great institution that it's our privilege to represent. I think Dr. Bohannon's prayer was appropriate to strengthen these great institutions that were created for the sole purpose of protecting our liberty.

Dr. Bohannon was married to Jo Ann Summers on October 26, 1957, was saved on February 2, 1959, and became an ordained pastor on November 20, 1960. Dr. Bo is a graduate of Southeast Missouri University and received his master's of divinity from Midwestern Baptist Theological Seminary in 1972 and his doctorate of ministry in 1985.

Glen and his wife, Jo Ann, have three children: Lisa, John, and Glen, Jr. John and his wife, Jody, have three children, Glen and Jo's grandchildren: Summer, Levi, and Joelle.

Dr. Bohannon has served churches in Missouri, Virginia, and North Carolina. He retired from full-time pastorate in 1996 after serving at Central Baptist Church of Richmond, Virginia, for 10½ years. He received his intentional interim training from 1996–1997, and has since served as an intentional interim pastor and as an interim pastor in several churches in Virginia and North Carolina.

Dr. Bohannon currently serves as the interim senior pastor at College Acres Baptist Church in Wilmington, North Carolina. He recently completed an intentional interim at Memorial Baptist Church in Arlington, Virginia, where my family attends when we're in the D.C. area. We're honored to have our good friend, Dr. Glen Bohannon, here as the pastor of the House for the day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

DR. HARRY ROSENBERG

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

Mr. HECK. Mr. Speaker, I come to the floor today to recognize Dr. Harry Rosenberg, founding president of Roseman University of Health Sciences.

In 1999, Dr. Rosenberg rented a small office space in Henderson, Nevada, believing he could establish a pharmacy school that would produce highly skilled graduates ready to be recruited for work across the country.

His innovative approach to education led him to develop a block format curriculum that emphasizes a student-centered active learning environment, allowing students to participate in experiential education from the very beginning of their studies and complete their doctoral degree in just 3 years instead of the traditional 4 years, making Roseman one of the most affordable pharmacy schools in the Nation.

During his tenure, Dr. Rosenberg helped transform Roseman from a local school of 38 students to a regional institution with over 1,000 and offering an array of quality programs in nursing, dentistry, and business administration.

As he prepares for retirement, I commend Dr. Rosenberg for his vision, innovation, and commitment to offering students an affordable, state-of-the-art education that has and will benefit the State of Nevada and the Nation.

THE POLITICS OF THE POSSIBLE

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

Mr. WALZ of Minnesota. Mr. Speaker, today, let's show the American people the politics of the possible. Let's focus on what we agree on, not what we disagree on. Let's find common ground. We can accomplish this by extending the middle class tax cuts immediately. Let's have the people's House break this ridiculous stalemate. Let families across the Nation go into the holiday season with certainty.

Everyone here agrees taxes should not go up on middle class families. Democrats and Republicans can come together to make that happen. By extending the tax cuts, every American will get a tax break on the first $250,000 of income. Let me repeat that 100 percent of Americans will receive a tax break on $250,000 of income.

It also extends the child tax credit, makes it easier for small businesses to invest, makes it affordable to go to college, and fixes the alternative minimum tax.

If we fail to act in the next 10 days, middle class families could see their income taxes go up by $2,000. No one wants it, and the economy doesn't need it. The Senate has already passed a bill; the President said he would sign it today. It can be done now.

Please stand up, sign the discharge petition, and make a difference for the American public.

KEVIN KLINE

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

Mr. OLSON. Mr. Speaker, I'd like to introduce the American people to Kevin Kline.

Kevin is a friend and a popular DJ back home on the 93Q Morning Zoo. But Kevin is more than a voice on the radio. He is the man of the year according to the Fort Bend Focus Magazine. He earned that honor because of the Snowdrop Foundation, an organization he and his wife, Trish, created to help children fighting life-threatening cancer.

Kevin's inspiration was a remarkable young lady, Chelsey Campbell. Chelsey lost her battle with cancer on December 9, 2006. She was 16 years old. Kevin was a pallbearer at her funeral. Kevin is always looking for an outlet to tell Chelsey's story and keep her memory alive.

If Kevin were here, I'd thank him for sharing Chelsey's story with me so I could enshrine her life forever in the CONGRESSIONAL RECORD of the United States of America. Because of Kevin, we all look forward to meeting Chelsey in heaven.

□ 1210

MIDDLE CLASS TAX CUTS

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

Mr. LEVIN. This discharge petition frames the issue immediately before us: will Republicans take America over the cliff, and the middle class tax cuts with them, in order to protect tax breaks for the very wealthy. And will they take the economy with them over the cliff?

The fiscal cliff confronting us threatens an economic mess, half of which could be resolved in one fell swoop—by passing the middle class tax cuts. The Senate has already acted. The President is waiting to sign it. Republicans should join with Democrats and give 98 percent of Americans and 97 percent of small businesses the certainty that they won't face a tax increase on January 1.

Colleagues, Republicans as well as Democrats, sign now—the signal that America needs.

THE PRESIDENT IS NOT TAKING THE FISCAL CLIFF SERIOUSLY

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, Speaker BOEHNER sent a letter to the President in response to his unreasonable proposal suggesting how Congress can avert the fiscal cliff. Shortly after the election, the House Republican leadership presented the President with a balanced framework by coupling spending cuts and reforms.

The Speaker's letter to the President also states, ''Regrettably, the proposal outlined on behalf of your administration contains very little in the way of common ground. The proposal calls for $1.6 trillion in new tax revenue—twice the amount you supported during the campaign.''

House Republicans understand the necessity of finding a reasonable solution. We have made it very clear that we are willing to work with the Senate leadership to find middle ground legislation. It is my hope the President will begin taking these negotiations seriously and will work with the House Republicans to find a balanced approach to this challenge.

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

THE WHITE HOUSE MUST PRODUCE ITS LEGAL JUSTIFICATION FOR DRONE STRIKES

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

Mr. KUCINICH. Before Congress adjourns, this House will vote on my resolution of inquiry about the U.S.' use of drones.

The vote will not be about the thousands of deaths of innocent civilians caused by drones, though that's important. It won't be about whether the drones are creating more terrorism. It won't be a vote to stop the killing of American citizens without due process guaranteed by the Constitution. It won't be about whether our ongoing use of drones constitutes violations of the Constitution and violations of international law.

The vote will, however, be about something fundamental.

We will determine whether or not Congress has the power to require the administration to release their still secret legal justification to use drones. In matters of the Constitution, in matters of war, ''trust us'' is neither sufficient legally, constitutionally, nor is it morally acceptable.

I urge Members of the House to reclaim Congress' constitutional imperative by supporting H. Res. 819, the resolution of inquiry demanding the White House produce its legal justification for drone strikes.

SERVING THE AMERICAN PEOPLE

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

Ms. JACKSON LEE of Texas. There should be one powerful driving force for all of us—and that is to serve the American people.

The least we can do before December 31, 2012, is to provide the middle class of America—the working men and women of America, those who every day get up at 6 a.m., at 4 a.m., and work night shifts—a tax break. I am proud to commit to giving Americans making incomes of $250,000 and below a tax break, and I stand here today proudly in having signed the petition.

Let me say what else we can do very quickly.

As a cochair of the Congressional Children's Caucus, we have passed a bipartisan bill on the intervention in and prevention of bullying. Everywhere you go, you're hearing about the dastardly conditions of our children who are going to school across America.

To our Members of the United States Congress, let's pass that legislation before we leave here, and let's go into 2013 with America recognizing that the Congress understands that the safety and security of our children in the schools of America are vital. That's the least we can do—to protect the children of America. Pass the Bullying

Prevention and Intervention Act of 2012 now.

MIDDLE CLASS TAX CUTS

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

Ms. HAHN. As we race toward this fiscal cliff, we are faced with a number of looming problems, not the least of which is the threat of a crushing middle class tax hike. If we fail to act, middle class Americans could see their next tax bills rise by more than $3,000, and while there will be much to disagree on in the coming negotiations, no one wants this to happen. A tax hike of this size on the middle class would be a terrible burden on families who are just beginning to recover from this Great Recession.

With congressional approval at an all-time low, we cannot pass up this opportunity to prove to the American people that we can work together. President Obama's legislation to extend the middle class tax cuts has already been passed by the Senate, and it now depends on us. We should embrace this opportunity to vote on something we can agree on and bring this legislation to the floor.

I've already signed this petition. I urge all of my colleagues to come down to the House floor right now and sign this discharge petition. Bring this to the floor. Let's give the American people a real holiday present.

MIDDLE CLASS TAX CUTS

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

Mr. CICILLINE. Mr. Speaker, last month, the American people went to the polls and delivered Congress a resounding message—that Republicans and Democrats should be working together to solve our Nation's problems. Although our constituents have made it clear that the time for partisan games is over and despite overwhelming support for the idea, the House Republican leaders are refusing to hold a vote on extending tax cuts for middle class families. Instead, they plan to keep holding them hostage to tax breaks for the wealthiest Americans.

So, today, we have filed a discharge petition to force a vote on the Middle Class Tax Cut Act so that 98 percent of Americans and 97 percent of small businesses don't have to worry about their taxes going up at the end of this year. It will ensure that 100 percent of Americans will see a tax cut for the first $250,000 of family income.

The Senate has already passed an equivalent bill, but today the House is still standing in the way of tax relief for middle class families. I urge my colleagues on both sides of the aisle to do the right thing for working families: force the House Republican leadership to hold a vote on the middle class tax cut bill by signing this discharge petition and by forcing the bill to the floor so that we can do right by the American people.

TIME TO VOTE ON MIDDLE CLASS TAX CUTS

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

Mr. YARMUTH. Mr. Speaker, when it comes to the fiscal cliff, Republicans and Democrats have one major thing in common—we both believe tax rates shouldn't go up on 98 percent of Americans and 97 percent of small businesses. The difference is that Democrats won't use middle class families as a bargaining chip.

Today, House Republicans have a chance to show that they are more serious about making good policy than making political hostages of the middle class. We have filed a discharge petition to bring to the floor legislation that preserves tax cuts for 98 percent of Americans and 97 percent of small businesses. It has already passed the Senate. The President says he will sign it immediately.

With our deadline less than a month away, the clock is ticking, and if House Republican leadership is wondering when in our pressing schedule we might be able to fully consider this legislation, they might rethink their astonishing decision to cancel House business on Thursday—one of the few days Congress has left in the current session.

Mr. Speaker, we know what we must do, and it might come as a surprise that we actually agree on a solution. All that's left is to vote. I urge my colleagues to sign the discharge petition and to vote immediately to keep middle class tax rates from going up.

THE POWER TO PULL AMERICA BACK FROM THE FISCAL CLIFF

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

Mr. COURTNEY. Mr. Speaker, in the well of the House, a few feet away from me, we have the power as Members to actually pull this country back from a fiscal cliff which endangers an economic recovery and threatens middle class families all across the country.

The good news is there right now. Consumer confidence is up, car sales are up, even the housing market is making a recovery. If we do not, however, act to sign this discharge petition and to protect middle class families, we will go backwards as a Nation.

It will also solve three-quarters of the sequestration challenge that the Budget Control Act still has sitting out there for January 2. If we sign this discharge petition and get this bill passed, three-quarters of that problem will be solved: we will protect Medicare, we will protect our military, we will protect education, and it will reduce the size of the challenge to avoid sequestration.

All Members—Republicans and Democrats—should come together, sign this discharge petition, and help the American people get this economy back on its feet.

□ 1220

MIDDLE CLASS TAX CUTS

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

Mr. CROWLEY. Mr. Speaker, the American people have spoken. In this last election, they said to all of us: start to work together; have an agenda that serves the people of our country.

We've all heard the expression that time is fleeting. Never before has that expression been more important in my 14 years here in the House of Representatives. We have very few working days and even fewer days this week because of the House schedule put before us by the leadership of the House to actually work on the people's business and pass a middle class tax cut that will affect 98 percent of working Americans. Ninety-eight percent of working Americans will get a tax cut by passing the Senate bill that they passed already that is now at the desk here in the House of Representatives in the form of a discharge petition.

We're taking this action because we believe that time is running out. If we fail to pass this bill or something like it, the middle class in this country will see on average a $2,000 increase in their taxes. I don't know about anyone here in this Chamber, but I know my constituency doesn't want to pay a $2,000 tax.

MIDDLE CLASS TAX CUTS

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

Mr. CONNOLLY of Virginia. Mr. Speaker, for any negotiation to be successful, both parties involved must first identify things on which they can agree. Fortunately, we already have agreed: middle class tax cuts need to be protected. Sixty percent of Americans agree that extending the middle class tax cuts and letting those for the wealthiest expire is a good compromise and the right thing to do.

Some of our Republican colleagues agree, saying we ought to give 98 percent of all Americans an early Christmas present by extending the middle class tax cuts. Sadly, other Republicans do not share that holiday spirit. In their zeal to protect the tax breaks for the wealthiest 2 percent, they are willing to present themselves as the grinch that stole Christmas.

Let's not let another opportunity pass. Let's show that we were listening

on election day to our constituents who want us to work together to protect the middle class and the economy and get something done for America. Sign the discharge petition.

MIDDLE INCOME TAX CUT

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

Ms. PELOSI. Mr. Speaker, as we all know, in the course of the election the President made it very clear that he was supporting the extension of the middle income tax cut and everyone, 100 percent of the American people, would benefit from it—100 percent of taxpayers, small businesses, wage earners, and the rest.

Republicans are saying that rather than passing that, they want to hold it hostage to giving an additional tax cut to people making over $250,000 a year. That's not negotiating; that's hostage-taking.

So today on the floor of the House, the Democrats have proposed a discharge petition which, if it receives 218 signatures, that's only a couple dozen Republicans joining the Democrats, it would automatically come to the floor and I predict would receive overwhelming support of the House of Representatives.

The American people want us to work together. We are in agreement on this subject. Why—why, my Republican colleagues—can we not vote on something where we have agreement, where we have fairness that will work to create jobs, to reduce the deficit and will again have fairness.

This is the heart of the matter that is holding us here. As the public watches—what is this about—this is about the $250,000 line that the President said in the campaign that he would honor and that this legislation today brings to bear.

I urge my colleagues, out of 435 Members of the House, we only need a couple dozen Republicans to sign the discharge petition. Each one of them holds the key to a $2,000 tax cut for the middle class.

Either sign the petition, urge the Speaker to bring the bill to the floor, or explain to your constituents why you do not want them to have this $2,000 tax break for 100 percent of the American people. Please sign the discharge petition. Let's get this done this week. We could bring this bill up under unanimous consent. The message would be clear to the American people: we heard you in the campaign. Be fair, do something that works, work together. This gives us that opportunity.

HOMESAFE GEORGIA

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to discuss the HomeSafe Georgia Program. HomeSafe provides temporary assistance to homeowners who are unemployed or underemployed due to no fault of their own. I'm hosting my second HomeSafe Georgia Foreclosure Prevention Event of 2012, Saturday, December 8, at the Salem Bible Church Fellowship Hall in Lithonia, Georgia, from 10 a.m. to 3 p.m. My friend, Jasper Williams, is the pastor.

My last HomeSafe event helped hundreds of homeowners temporarily lower their mortgage payments, and I expect to help hundreds more after this weekend's Georgia HomeSafe event. The event is free, and I hope Georgians who need help will attend. For more information contact me at hankjohnson.house.gov.

EXTEND MIDDLE CLASS TAX CUTS

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

Mr. PALLONE. Mr. Speaker, the message from the American people is loud and clear: extend the middle class tax cuts now. Republicans are holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans. Once again Republicans are playing politics with something that will help Americans get back as we work to repair the damage that 8 years of Republican leadership created.

Democrats have a commonsense solution, and we can't wait around any longer to let real proposals languish until the House GOP gets its act together. Spearheaded by Congressman TIM WALZ, Democrats filed the Walz discharge petition to automatically bring to the House floor the Senate-passed middle class tax cuts which the President has said he will sign immediately. We have no time to waste, Mr. Speaker. Pass the extension of the middle class tax cuts now as we find a bold, balanced, and fair agreement to avoid the fiscal cliff.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar.

BARTOSZ KUMOR

The SPEAKER pro tempore. The Clerk will call the first bill on the calendar.

The Clerk called the bill (H.R. 1857) for the relief of Bartosz Kumor.

There being no objection, the Clerk read the bill as follows:

H.R. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR BARTOSZ KUMOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Bartosz Kumor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Bartosz Kumor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Bartosz Kumor, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Bartosz Kumor shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANIEL WACHIRA

The SPEAKER pro tempore. The Clerk will call the second bill on the calendar.

The Clerk called the bill (H.R. 824) for the relief of Daniel Wachira.

There being no objection, the Clerk read the bill as follows:

H.R. 824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR DANIEL WACHIRA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Daniel Wachira shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Daniel Wachira enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall

apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Daniel Wachira, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Daniel Wachira shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1230

MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS

The SPEAKER pro tempore. The Clerk will call the third bill on the calendar.

The Clerk called the bill (H.R. 823) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

There being no objection, the Clerk read the bill as follows:

H.R. 823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas enters the United States before the filing deadline specified in subsection (d), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) WAIVER OF GROUNDS FOR REMOVAL OR DENIAL OF ADMISSION.—

(1) IN GENERAL.—Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas may not be removed from the United States, denied admission to the United States, or considered ineligible for lawful permanent residence in the United States by reason of any ground for removal or denial of admission that is reflected in the records of the Department of Homeland Security or the Visa Office of the Department of State on the date of the enactment of this Act.

(2) RESCISSION OF OUTSTANDING ORDER OF REMOVAL.—The Secretary of Homeland Security shall rescind any outstanding order of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas by reason of any ground described in paragraph (1).

(d) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(e) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

(f) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALLAN BOLOR KELLEY

The SPEAKER pro tempore. The Clerk will call the fourth bill on the calendar.

The Clerk called the bill (H.R. 794) for the relief of Allan Bolor Kelley.

There being no objection, the Clerk read the bill as follows:

H.R. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ALLAN BOLOR KELLEY.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Allan Bolor Kelley shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Allan Bolor Kelley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Allan Bolor Kelley, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Allan Bolor Kelley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORINA DE CHALUP TURCINOVIC

The SPEAKER pro tempore. The Clerk will call the fifth bill on the calendar.

The Clerk called the bill (H.R. 357) for the relief of Corina de Chalup Turcinovic.

There being no objection, the Clerk read the bill as follows:

H.R. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR CORINA DE CHALUP TURCINOVIC.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Corina de Chalup Turcinovic enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Corina de Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The

natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTHER KARINGE

The SPEAKER pro tempore. The Clerk will call the sixth bill on the calendar.

The Clerk called the bill (H.R. 316) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the seventh bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that S. 285, Calendar No. 7, be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6582

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 ''American Energy Manufacturing Technical Corrections Act''.

SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

Section 342(f) of the Energy Policy and Conservation Act (42 U.S.C. 6313(f)) is amended—

(1) in paragraph (1), by striking ''paragraphs (2) through (5)'' and inserting ''paragraphs (2) through (6)''; and

(2) by adding at the end the following new paragraph:

''(6) INNOVATIVE COMPONENT TECHNOLOGIES.—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application.''.

SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired hot water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Clause (iv) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on the later of 1 year after the date of publication of the conversion factor, or December 31, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use as of that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

''(C) The term 'service over the counter, self-contained, medium temperature commercial refrigerator' or '(SOC–SC–M)' means a medium temperature commercial refrigerator—

''(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

''(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

''(D) The term 'TDA' means the total display area (ft^2) of the refrigerated case, as defined in AHRI Standard 1200.'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4)(A) Each SOC–SC–M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than $0.6 \times TDA + 1.0$.

''(B) Not later than 3 years after the date of enactment of this paragraph, the Secretary shall—

''(i) determine whether the standard established under subparagraph (A) should be amended; and

''(ii) if the Secretary determines that such standard should be amended, issue a final rule establishing an amended standard.

''(C) If the Secretary issues a final rule pursuant to subparagraph (B) establishing an amended standard, the final rule shall provide that the amended standard shall apply to products manufactured on or after the date that is—

''(i) 3 years after the date on which the final amended standard is published; or

''(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final rule is published.''.

SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.

(a) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

''(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

''(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

''(I) 11.00 for products manufactured on or after January 23, 2006; and

''(II) 12.00 for products manufactured on or after January 1, 2015.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

''(I) 6.8 for products manufactured on or after January 23, 2006; and

''(II) 7.2 for products manufactured on or after January 1, 2015.

''(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.''.

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) in subparagraph (A)(i), by inserting ''the standard levels or design requirements applicable under that standard to'' immediately before ''any small commercial''; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking ''Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part,'' and inserting ''Every 6 years,''; and

(ii) by inserting after ''the Secretary shall'' the following: ''conduct an evaluation of each class of covered equipment and shall''; and

(B) by adding at the end the following:

''(vi) For any covered equipment as to which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of enactment of this clause, the first notice required under clause (i) shall be published by December 31, 2013.''.

(c) PETITION FOR AMENDED STANDARDS.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

''(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

''(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

''(A) a final rule that contains the new or amended standards; or

''(B) a determination that no new or amended standards are necessary.''.

SEC. 6. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

SEC. 7. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term ''industrial energy efficiency'' means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term ''industrial sector'' means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector and other stakeholders, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector and other stakeholders.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of $5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector and other stakeholders, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

SEC. 8. BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

''(A) how the agency will designate personnel primarily responsible for achieving the requirements; and

''(B) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

''(4) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

''(B) COMPONENTS.—The report shall include, at a minimum—

''(i) summaries and analysis of the reports by agencies under paragraph (3);

''(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

''(I) potential common communications standards to allow data sharing and reporting;

''(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

''(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

''(iii) an analysis of—

''(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

''(II) existing techniques used within the private sector or other non-Federal government buildings.''.

SEC. 9. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

''(i) to certify compliance with the requirements for—

''(I) energy and water evaluations under paragraph (3);

''(II) implementation of identified energy and water measures under paragraph (4); and

''(III) follow-up on implemented measures under paragraph (5); and

''(ii) to publish energy and water consumption data on an individual facility basis.''.

SEC. 10. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the

Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B'';

(C) in subsection (a)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.'';

(D) in subsection (b)(1), by striking ''section 325(p)(5)'' and inserting ''section 325(p)(4)''; and

(E) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(7) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(8) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(13) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''negative 20°F''.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) other motors.''.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking ''Air-Conditioning and Refrigeration Institute'' each place it appears in paragraphs (4)(A) and (7) and inserting ''Air-Conditioning, Heating, and Refrigeration Institute''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

I rise today in support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act, and I want to thank Mr. WAXMAN and his staff for working with us on this legislation. Part of it has been passed in the Senate, and we've worked very closely with the Senate staff and Members as well.

This is a small but critical piece of energy legislation that I encourage my colleagues to support:

Section 2 deals with an outdated standard for walk-in coolers that is actually resulting in layoffs and loss of jobs in the State of Alabama;

Section 3 deals with a fix to water heater requirements that will reduce regulatory burdens on manufacturers by transitioning to a single definition for all covered water heaters;

Section 4 fixes a standard that cannot be met from the 2007 energy bill for ''service over the counter'' refrigerators;

Section 5 deals with small duct high velocity systems;

Sections 6 and 7 seek to improve Federal coordination to help develop and deploy industrial energy efficiency technologies;

Sections 8 and 9 aim to improve Federal energy efficiency, which will ultimately save taxpayers money;

Section 10 makes additional routine technical corrections to the 2007 energy bill.

This bill will reduce regulatory burdens and provide greater certainty for manufacturers, allowing them to stay in business, avoid layoffs, and will also ensure the continued benefits of energy savings and consumer savings because of increased energy efficiency.

H.R. 6582 carries the support of the Air Conditioning, Heating, and Refrigeration Institute, the Industrial Energy Consumers of America, as well as the American Council for an Energy-Efficient Economy, the Alliance to Save Energy, and the National Association of Manufacturers.

This bill shows that we can work together in Congress in a bipartisan manner to tackle important energy issues. To that end, I once again want to thank my colleagues on the other side of the aisle, Mr. WAXMAN and his staff, for working with us to help develop this legislation that we all can support.

I might add that many of us on this side of the aisle feel as though the 2007 energy bill has many provisions that we believe to be challenging for stimulating private growth and creating jobs. I hope my colleagues on the other side of the aisle will continue to work with us on these matters in the future.

As the 112th Congress comes to a close, the passage of this modest but important energy efficiency bill gives me hope that we can work together in the coming years to tackle the many energy challenges facing America. I encourage my colleagues to support passage of H.R. 6582.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, December 3, 2012.

Hon. FRED UPTON,

Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 6582, the American Energy Manufacturing Technical Corrections Act. The suspension text version of H.R. 6582, posted on November 30, 2012 contains multiple provisions from H.R. 4850, the Enabling Energy Saving Innovations Act, as amended and passed by the Senate on September 22, 2012 under unanimous consent, which are outside the original scope of H.R. 4850, as introduced and passed by the House on June 26, 2012.

While the text of H.R. 6582 reflects an agreement reached by the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee, the text also contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 6582, as well as any similar or related legislation.

I ask that a copy of this letter be placed in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 3, 2012.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN HALL: Thank you for your letter regarding H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act,'' which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Science, Space, and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 3, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act.'' There are certain provisions in the version of HR. 6582 that will be considered on the House Floor that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of H.R. 6582, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in this bill or similar legislation which fall within the Committee's Rule X jurisdiction.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 3, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act,'' which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

DECEMBER 4, 2012.

Representative UPTON,
House of Representatives, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN UPTON: On behalf of the American Public Gas Association (APGA), and the American Gas Association (AGA) we would like to convey our concerns regarding H.R 6582, The American Energy Manufacturing Technical Corrections Act.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1,000 public gas systems in 36 states and approximately 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

AGA represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 71 million residential, commercial, and industrial natural gas customers in the U.S., of which 92 percent—more than 65 million customers—receive their gas from AGA members.

First, H.R. 6582 directs the Department of Energy to transition from the current, separate definitions for water heaters, to a uniform energy descriptor for all covered water heaters and to establish testing procedures. We have concerns about these testing procedures. The American Society of Heating, Refrigerating and Air-Conditioning (ASHRAE) is currently revising its Standard 118.2, Method of Testing for Rating Residential Water Heaters. ASHRAE is an internationally recognized American National Standards Institute (ANSI) accredited standards developer. Standard 118.2 will provide testing changes as well as potential changes to energy descriptors. When drafting the testing procedures, DOE should consider ASHRAE 118.2. In fact, DOE is already engaged in rulemaking on test procedures for these products where ASHRAE 118.2 can be referenced for adoption.

Second, we are concerned that this legislation invites additional regulation of residential water heaters by the U. S. Consumer Product Safety Commission and may encourage the unnecessary expansion of that group's Flammable Vapor Ignition Resistant (FVIR) requirements beyond their current scope, which could have a chilling impact on the applications of condensing storage gas water heaters.

Third, we are concerned that the language in this bill that sets minimum efficiency levels for small-duct, high-velocity central systems, lowers existing efficiency standards and preferences the use of electric appliances over equivalent natural gas appliances. The first minimum efficiencies on these products were promulgated in 2004, effective January 23, 2006 and required 7.7 HSPF (heating seasonal performance factor) or higher, whereas this legislation requires only 6.8 HSPF and 7.2 HSPF minimums while comparable natural gas heat pumps are still subject to the higher minimum standard of 7.7 HSPF.

Despite these concerns, we do not oppose the bill. Our objective is to bring these concerns to your attention and to encourage the Department of Energy to work with APGA and AGA in the rulemaking process to ensure that the views of our members are considered.

APGA and AGA appreciate your consideration of our views and look forward to working further with you on this and other natural gas issues.

Sincerely,

BERT KALISCH,
President & CEO, American Public Gas Association.

DAVE MCCURDY,
President & CEO, American Gas Association.

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

The United States and the world are facing an enormous and growing threat: The pollution we are putting into the atmosphere is changing the climate around us. In this last year alone, New York City has been flooded by a superstorm, the Midwest has roasted in record-setting drought, and wildfires have scorched the West. These are not aberrations. They are the early warning signs of what the future will look like.

Today, on one of the very last days of this Congress, we're taking our first step to recognize this looming threat. It's not a big step—in fact, it's a tiny one—but it gives hope that we can work together, and it is a signal that at least we are headed in the right direction.

Energy efficiency is an essential part of any serious effort to address climate change. It is the low-hanging fruit that reduces pollution while saving Americans money and creating jobs. Whether

it's a building code or appliance standard or home retrofit, we should be doing far more in this area. In fact, a recent International Energy Agency analysis found that without new policies, two-thirds of the cost-effective energy efficiency gains that could be made will remain unrealized through 2035.

This bill includes a number of noncontroversial technical fixes to appliance energy efficiency standards for water heaters, walk-in freezers, deli counter-style refrigerators, and certain types of air conditioners. The bill includes improvements to the process by which the Department of Energy updates its energy efficiency standards. In addition, there are a few sensible provisions to promote industrial energy efficiency and the efficiency of Federal Government buildings.

This bill will not produce large energy savings, but it's a worthwhile package of consensus improvements. The package is based on provisions that recently passed the Senate by unanimous consent. Both industry and energy efficiency advocates support the bill. This is a bill that has a very good chance of becoming law this month.

But we need to do much, much more. The beginning of a new Congress provides us an opportunity to work together on a bipartisan basis to enact commonsense energy efficiency legislation. Such legislation will save consumers money, boost domestic manufacturing, while cutting pollution, including the carbon pollution that is driving dangerous climate change.

I look forward to starting those discussions with Chairman UPTON and our Energy and Commerce Committee colleagues. There are many good ideas for policies that would reduce waste and save energy, and we should work together to explore those ideas and enact the ones we can agree on.

□ 1240

Today's bill is a first step. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), who wrote a portion of this bill and whose State is at risk of losing jobs because of some technicalities.

Mr. ADERHOLT. I want to thank the gentleman from Kentucky for his time and just take a moment to say how much we appreciate working with him and his staff on this legislation as we've moved forward.

As has been mentioned here, the purpose of this legislation, in many respects, is to make critical technical changes to the 2007 Energy Independence and Security Act, known as EISA, which will both preserve jobs and create new jobs in several related fields of industry.

I want to speak in particular to section 313 of EISA as it relates to the efficiency standards of walk-in coolers and freezers. The section mandates that cooler and freezer doors must meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem here is that R-value is a measurement based primarily on one insulating product in particular—foam—and on how thick that foam actually is. However, requiring a product to meet an R-value prohibits technologies that are just as efficient even though they utilize alternative materials or technologies.

In this case, the technology is even more efficient. Although regulatory statutes many times provide the Department of Energy with a waiver authority, a waiver was not a part of this particular statute. This legislation provides the Department of Energy with the authority to waive the requirement if they determine a product meets or exceeds the desired energy-efficiency goals.

Bureaucratic red tape and Federal regulations can sometimes accidentally keep America's innovators and small businesses from creating jobs. Therefore, the Manufacturing Technical Corrections Act is a commonsense solution which maintains standards and yet corrects a problem which otherwise stifles growth and causes companies to lose jobs. Due to an increase in regulation over the past few years, too many small businesses have had to lay off employees, reduce production, and even shut their doors. This is precisely what happened to an innovative manufacturing company in the district I represent back in Alabama.

The Federal Government's embrace of outdated technology prohibits new and innovative solutions to improve energy efficiency. Without sacrificing the efficiency standards which drove the original bill, my bill here that we're discussing this afternoon merely makes a commonsense update.

Just to be clear, this legislation, H.R. 6582, does not create new standards, but it does make existing standards better for businesses and better for consumers. I can personally attest that this technical corrections bill will directly affect over 100 jobs in the State of Alabama, and potentially many others could be created with this new and innovative technology. The other sections of this bill affect a similar and, in some cases, I'm told, an even greater amount of jobs in other places in the country.

Simply put, this commonsense legislation provides technical corrections which remove barriers to technologies and which untie the hands of companies that manufacture here in the United States of America. This means jobs. And not only by moving this legislation will we be able to create jobs, but we'll be able also to make sure that we continue economic growth in this country.

Therefore, I suggest and urge my colleagues that they support this legislation that's on the floor today.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I rise today on behalf of H.R. 6582, the American Energy Manufacturing Act. This is truly a commonsense, bipartisan bill. I've been proud to work on it with my friend and neighbor, Representative JOHN SHIMKUS of Illinois, and also with Congresswoman JUDY BIGGERT, who has been my cochair of the High-Performance Building Caucus. I want to thank Congressman WHITFIELD and Congressman WAXMAN for their leadership on this matter here on the floor today.

And, finally, the gentleman from Alabama (Mr. ADERHOLT) for his leadership in moving this bill forward today and for including legislation that I sponsored in 2010, the Small Duct, High Velocity Energy Efficiency Standards for America Act. Small duct, high velocity systems are a special type of heating, ventilation, and air conditioning systems. It is more energy efficient than traditional units, especially for older and historic homes and buildings with limited space for new duct work.

Even though it's more efficient, the Department of Energy lumped these new systems in with a rulemaking for regular systems in 2002. The Department eventually granted a waiver, basically saying that these new small duct systems could be sold anyway as efficient products. But the legislation before us today will codify that waiver into law so that American manufacturers and consumers can truly benefit from the advantages of these types of products.

Unico is a company that is one of several that manufacture these systems. It is a small business of about 80 employees in my hometown of St. Louis, Missouri. I've toured the Unico plant, and I've met with their employees. I've seen the pride in their work, the craftsmanship that they display. And those products go not just around the U.S., but around the world.

Unico is an American success story. It's a small business created in America, manufacturing products in America, and creating good-paying manufacturing and construction jobs—exactly what this Congress and this country should be all about. And when the actor Brad Pitt, also a Missouri native, and the Make It Right Foundation unveiled plans to build over 100 super-energy-efficient homes in New Orleans, they looked around the world to find low-cost, energy-efficient systems, and they chose Unico, creating more jobs in my hometown. We're proud of that. But it isn't just about jobs, though. It's about becoming more energy efficient as a Nation.

Heating and cooling account for 56 percent of energy use in the typical house, making it the largest energy expense for most families. Air conditioners alone use roughly 5 percent of all electricity nationwide, at a cost of

over $11 billion to homeowners, releasing nearly 100 million tons of carbon dioxide into the atmosphere.

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

Mr. WAXMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CARNAHAN. Domestic manufacturing and use of high-energy heating and cooling systems like the ones produced by Unico will reduce energy up to 50 percent, save consumers billions of dollars a year, and create jobs. I urge a ''yes'' vote on this bill and thank my colleagues for their work today.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is chairman of the Environment and Economy Subcommittee.

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

Mr. SHIMKUS. I also come down in support of H.R. 6582 and want to address the small duct, high velocity system provisions in this bill. But first let me talk about my friend and colleague, RUSS CARNAHAN. The Carnahan name in my neighboring State of Missouri is well known and well respected. RUSS added to that legacy, and I thank him for his service, and I thank him for his friendship.

Mr. Speaker, small duct, high velocity systems are a special type of heating, ventilating, and air conditioning used especially for older homes and buildings that don't have room for duct work. In terms of delivered efficiency, these units are more energy efficient than traditional HVAC units, a fact widely recognized, including by the Department of Energy.

Unfortunately, more than 10 years ago, these small duct units were incorrectly lumped into a rulemaking for regular HVAC units. Subsequent administrations have attempted to correct this error in the past through unrelated rulemaking regarding efficiency standards for different types of units. However, the rulemaking for these unrelated units was challenged and overturned. Because small duct, high velocity units were included, the court's findings applied to them as well.

□ 1250

The result of the court ruling forbids DOE efficiency rulemakings that ratchet down standards already in place, even if those in place were promulgated by mistake, as in the case of these units. Despite this ruling, DOE has recognized small duct high velocity systems as unique and that they should have their own set of efficiency standards. As a result, DOE has given these systems waivers to be sold as efficient products.

Mr. Speaker, the provisions of H.R. 6582 related to small duct high velocity systems are taken from H.R. 1499 that Mr. CARNAHAN and I have been working on. The language will codify these waivers already in place and set up a regulatory process so sellers of these systems can have relief from this regulatory burden. Furthermore, consumers will have peace of mind that these products are truly energy efficient while meeting their needs and not just operating under a waiver.

I urge my colleagues to support the entire bill, H.R. 6582. And to my friend, Mr. WAXMAN, who is very passionate on climate, he also knows that there are those of us who are just as passionate about jobs and the economy and the fossil fuel economy, and I hope that we can work together in the next Congress.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), who is going to be joining again the Energy and Commerce Committee to my great delight.

Mr. WELCH. I thank the gentleman from California, and I look forward to returning to the committee and working with my colleagues on the other side of the aisle as well.

I'm very pleased to be here supporting this legislation. Energy efficiency makes sense. We have brutal arguments here about climate change, about what is the right fuel source. They're dividing us. But the fact is whether you believe in climate change or not, even under the bill that was passed—not this session, but a session ago—we could have met one-third of our climate reduction, carbon emission goals through efficiency. There is an enormous potential in efficiency to make this economy better, to create local jobs, to save people money. This legislation starts down that road, and it's very good.

I look and see some of my colleagues over there, even my friend from Georgia. I think we accidentally voted the same on one or two pieces of legislation this year—and I'm not quite sure who made the mistake. But our eyes are wide open on this one with efficiency. We know that this is good for Georgia, it's good for Vermont. And it does not matter what your fuel source is—you can be a nuclear person or a clean energy person—using less is good for the pocketbook, it's good for the economy.

I would like to expand on this when we come back next year, find that area where we're in agreement on efficiency and energy and intensify it. When I served on the committee, we did pass HOME STAR. I've partnered this session with Mr. MCKINLEY of West Virginia on a version of that, the HOMES Act, where we would give some incentive to homeowners to retrofit their homes. The evidence is that if you did this in an aggressive way, 95 percent of the materials that are used in retrofitting a home are manufactured in America, so we put those manufacturing jobs back online.

Number two, the folks who do the work are the trade folks, who are really still reeling from the housing slump. So they've got the skills and they need the work; we put them back to work. Then your bill at home, as a homeowner—whatever your heat source—goes down. This is sensible and we can do it.

It's going to take some decisions on spending. I hope we can get past this notion that every dollar spent is a bad dollar spent. There are times when it makes sense to invest because you get a good return on it, and that's from somebody who does believe that we've got to bring our budget in balance.

So I say to the sponsors of this legislation, our leaders on the committee, and my colleagues on both sides of the aisle, this is a tremendous down-payment on efficiency that will be good for this Congress to work together on and good for this country to get it done.

Mr. WHITFIELD. Mr. Speaker, I might say that we're all looking forward to working with the gentleman from Vermont as he comes back to the Energy and Commerce Committee.

At this time, I'd like to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND), who wrote a portion of this bill.

Mr. WESTMORELAND. I want to thank the gentleman from Kentucky for yielding me the time. I also want to thank the gentleman from Alabama (Mr. ADERHOLT) for all the hard work that he and his staff and the staff of Energy and Commerce have put into this. I also want to thank the gentleman from California and his staff for working with us to get this small part into this bill.

Mr. Speaker, we are asked a lot of times what part of this job we enjoy the most, and whether you're talking to a school group or a group from one of the civic clubs, sometimes it's hard to come up with an answer. But in this case, this would be one of those cases where we have come together, both sides of the aisle, and actually worked together.

To my friend from Vermont, I will tell you that hopefully those occasions where we vote together will not be as unusual as they have been. But I look forward to voting with him on this issue because this is almost a jobs bill. We heard the gentleman from Alabama and the gentleman from Missouri and others talk about the number of jobs that this is going to save. This is taking into consideration our precious energy and making sure that we get the best efficiency out of it, and at the same time maintaining jobs.

My part of this legislation is section 342(c), which deals with the display cases. In this case, in the State of Georgia and the city of Columbus, it has the potential of saving 1,180 jobs. At this point, with 13 million unemployed in this country and many more underemployed, it's very important for us to come together. I think this is a great example of how we can come together to make sure that we are good stewards of our energy, to make sure

that our products are the best in the world, the most energy efficient, but yet have commonsense regulations that allow us to continue to push these and make these products here in this country.

So again, I want to thank everybody for their support and hard work on this, and especially from those 1,180 people in Georgia that will be able to maintain employment.

Mr. WAXMAN. Mr. Speaker, I continue to reserve my time.

Mr. WHITFIELD. At this time, Mr. Speaker, I would like to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKburn), who is a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I do rise in strong support of H.R. 6582 today. I am so pleased to stand and to thank Mr. WHITFIELD and Mr. ADERHOLT for the work that they have done on this. Also, I want to thank Mr. WAXMAN for his efforts in this bill.

I also want to commend my colleague, Mr. COOPER, from Tennessee. He and I had authored a piece of legislation, H.R. 482, the Water Heater Rating Improvement Act of 2011, and it is now section 3 of the underlying bill.

Essentially, what this section 3 would do is to fix a regulatory problem related to the test methodology that the DOE uses to calculate the efficiency levels of water heaters, which even the DOE has acknowledged that the way they're doing this is broken and it does need to be fixed.

This legislation will also level the playing field for our domestic water heater manufacturers who are currently at a competitive disadvantage with the foreign manufacturers. Of course we all know our focus is on jobs and the economy and getting our domestic manufacturing back to the pace where it should be for global competition.

□ 1300

Essentially the problem is this: under the current standards, the small and large water heaters are divided into two categories under two separate Federal statutes. These statutes are based on an arbitrary gallon capacity and energy input ratings. The smaller water heaters are covered by the National Appliance Energy Conservation Act and are rated using an Energy Factor, or an EF rating. Now the larger water heaters are within the scope of the Energy Policy Act and are rated using a Thermal Efficiency, or TE rating.

The problem facing American manufacturers is that under the current rules of the road, only the small water heaters are deemed eligible under the ENERGY STAR program. This is nonsensical. It's an outdated measure and disqualifies our large American-made water heaters from being covered by the ENERGY STAR ratings regardless of how advanced or how highly efficient they may be.

The legislation before us today would provide the necessary regulatory and business certainty that is needed by our manufacturers. This legislation has the potential of adding upwards of 1,000 jobs for domestic water heater manufacturers, many of them in my home State of Tennessee, where there are already 3,000 jobs directly involved in the manufacturing of water heaters.

I thank the chairman again. I thank the gentleman from Alabama (Mr. ADERHOLT), and I also want to commend the gentleman from Tennessee (Mr. COOPER).

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield for a period of 3 minutes to Dr. ROE of Tennessee, who is a member of the Education Committee.

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 6582. This legislation would establish a uniform energy-efficiency descriptor for all water heaters, walk-in freezers, and walk-in coolers. The legislation also improves the testing methods that determine whether or not these products are energy efficient, which will provide certainty for the manufacturers of these products.

The importance in my district, in my hometown, is one of our largest manufacturers there is A.O. Smith, which makes up to 8,000 water heaters a day. This is a real jobs issue in my hometown. These jobs have good retirement plans and health insurance. Their competitors are both in Canada and Mexico. And certainly we need to do anything we can to help support these local manufacturers.

This bill will make it easier for consumers to compare the energy efficiency of products and eliminate confusion that stems from having more than one type of label. The decision to invest in a large-scale appliance of this nature is a big one, and during these tough economic times, consumers deserve information that's easily understood so that they can make well-informed decisions. It's also helpful for manufacturers to have clear guidelines for how products will be judged for energy efficiency. And this is why—just to simplify what's going on to make it easier for our manufacturers.

And let me tell you, I've walked through A.O. Smith's plant. I've been through it. It's absolutely incredible to see a piece of sheet metal, to see our manufacturers take a piece of metal and produce 8,000 water heaters in a single day for consumption in the United States. I have one in my home. That's what I use. And I proudly have one in my apartment here in Washington, D.C.

I would encourage support of this measure.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time on my side of the aisle to support this legislation. I know that almost all Democrats that I have talked to think it's a good bill. I have urged the others to join with them in supporting it. I think it's a worthwhile piece of legislation. It's a small step, but it's a step in the right direction. And it will clarify some issues that still need to be clarified. So let's get this done.

And in pursuit of that objective, I yield back the balance of my time.

Mr. WHITFIELD. I also want to urge everyone to support H.R. 6582, a small, modest, energy-efficiency bill that will save some jobs.

I certainly want to thank the Members of the Senate, the Senate staff, the gentleman from California (Mr. WAXMAN) and his committee staff, and certainly the Energy and Power staff here on the House side for being involved in these negotiations and working this out.

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

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my support for the American Energy Manufacturing Technical Corrections Act.

The bill would lessen the regulatory burden on deli-style display cases (like the ones in grocery stores) by placing Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification.

Currently, SOTC refrigerator units must meet the efficiency standards designed for commercial refrigerators otherwise called "reach-ins." These SOTC units are designed for maximum product visibility and presentation. They require more glass and lighting than conventional reach-ins. Their inherent design makes it impossible to reach the minimum efficiency standards established in the Energy Policy Act of 2005.

There are a number of companies that would be affected by this regulation, totaling about 8,500 jobs across the country. One of those five companies is Lennox, employs approximately 1,700 people in the State of Georgia. Kysor/Warren became a subsidiary of Lennox International in 2011, and the company has been a leading manufacturer of refrigerated systems and display cases for supermarkets throughout North America. By creating a separate product class for service-over-the-counter products, we can help save jobs in many communities.

Mr. Speaker, I ask my colleagues to join me in support of this important legislation to protect American jobs in our communities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 6582, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:45 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Motion to suspend on H.R. 6582 and approval of the Journal, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 398, nays 2, answered ''present'' 1, not voting 30, as follows:

[Roll No. 614]

YEAS—398

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
McClintock

ANSWERED ''PRESENT''—1

Emerson

NOT VOTING—30

Ackerman
Akin
Baca
Bachmann
Bartlett
Bass (NH)
Bonner
Bono Mack
Davis (IL)
Fortenberry
Gingrey (GA)
Grijalva
Hastings (FL)
Heinrich
Higgins
Hinchey
Johnson (IL)
Kline
Mack
Marino
Miller, Gary
Nunes
Paul
Pence
Platts
Rothman (NJ)
Schilling
Sullivan
Towns
Welch

□ 1407

Ms. WILSON of Florida changed her vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 290, nays 106, answered ''present'' 2, not voting 33, as follows:

[Roll No. 615]

YEAS—290

Aderholt
Alexander
Altmire
Amodei
Austria
Bachus
Barber
Barletta
Barrow
Barton (TX)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crenshaw
Cuellar
Culberson
Cummings
Davis (CA)
DeGette
DeLauro
DelBene
Dent
Deutch
Diaz-Balart
Dicks
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gonzalez

Goodlatte
Gosar
Gowdy
Green, Al
Griffith (VA)
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (WA)
Hayworth
Hensarling
Herger
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
King (IA)
King (NY)
Kingston
Kissell
Labrador
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Markey
Massie
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Nunnelee
Olson
Palazzo
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Petri
Pingree (ME)
Pitts
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Young (FL)
Young (IN)

NAYS—106

Adams
Andrews
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Clarke (NY)
Coffman (CO)
Conaway
Costa
Costello
Crawford
Critz
Crowley
Curson (MI)
DeFazio
Denham
DesJarlais
Dingell
Dold
Donnelly (IN)
Duffy
Ellison
Eshoo
Farenthold
Fitzpatrick
Foxx
Gardner
Garrett
Gibson
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Guinta
Hanna
Hartzler
Heck
Herrera Beutler
Himes
Holt
Honda
Hoyer
Hunter
Israel
Jackson Lee (TX)
Johnson (OH)
Johnson, E. B.
Kildee
Kind
Kinzinger (IL)
Kucinich
Lance
Landry
Latham
Latta
Lee (CA)
Lewis (GA)
LoBiondo
Lynch
Marchant
Matheson
Matsui
McDermott
McGovern
McKinley
Meehan
Miller, George
Moore
Mulvaney
Neugebauer
Olver
Pallone
Pastor (AZ)
Paulsen
Peters
Peterson
Poe (TX)
Price (GA)
Quayle
Rahall
Reed
Renacci
Rigell
Roe (TN)
Rooney
Sánchez, Linda T.
Sarbanes
Schakowsky
Schock
Southerland
Terry
Thompson (CA)
Thompson (MS)
Tipton
Velázquez
Visclosky
Waters
Woodall
Woolsey
Yoder
Young (AK)

ANSWERED ''PRESENT''—2

Amash
Owens

NOT VOTING—33

Ackerman
Akin
Baca
Bachmann
Bartlett
Bass (NH)
Bonner
Bono Mack
Davis (IL)
Fortenberry
Frank (MA)
Gingrey (GA)
Gohmert
Granger
Grijalva
Hastings (FL)
Heinrich
Higgins
Hinchey
Johnson (IL)
Kline
Mack
Marino
Miller, Gary
Nunes
Paul
Pence
Platts
Rothman (NJ)
Schilling
Sullivan
Towns
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 393, not voting 35, as follows:

[Roll No. 616]

AYES—3

Conyers
Cravaack
Rangel

NOES—393

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
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Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—35

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Bonner
Bono Mack
Critz
Davis (IL)
Fortenberry
Gingrey (GA)
Gohmert
Grijalva
Hastings (FL)
Heinrich

Higgins	Miller, Gary	Rothman (NJ)
Hinchey	Neal	Schilling
Johnson (IL)	Nunes	Sullivan
Kline	Paul	Towns
Mack	Pence	Waters
Marino	Platts	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1431

Mr. MCINTYRE changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 614, 615, and 616, I missed the votes due to stopping to assist at an automobile accident scene. Had I been present, I would have voted "aye" on rollcall No. 614, "aye" on rollcall No. 615, and "nay" on rollcall No. 616.

HOUR OF MEETING ON TOMORROW

Mr. MCHENRY. I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. FARENTHOLD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FISCAL CLIFF

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

Mr. FLEMING. For 2 years, President Obama and Democrats have clamored for a so-called ''balanced approach'' to fix the budget deficit by raising taxes in exchange for entitlement reform. We must reform entitlements. We know that, without reform, Medicare becomes insolvent in just 10 years. Then there's welfare. For the first year ever, we spent over $1 trillion on welfare, and food stamp usage is up now to 15 percent of the population. All of this is creating annual trillion-dollar deficits, which, along with anemic economic growth and stubbornly high unemployment, means 23 million Americans still have no jobs.

Now some Republicans say they'd consider a balanced approach, but how much revenue is gathered from the tax increases proposed by Democrats? About $80 billion a year. That's barely enough to run Washington for 8 days.

Mr. Speaker, we are less than 4 weeks from falling off the fiscal cliff. It's time for Democrats to come to the table with something more than job-killing taxes. If they have serious ideas for entitlement reform, the American people deserve to hear them. Unfortunately, Mr. Speaker, the reason we haven't heard Democrat ideas for entitlement reform may be because they have no plans to cut or to reform entitlement spending at all. This is just another game from their playbook—raise taxes and increase spending, as always.

CHRISTMAS CARDS AND HOLIDAY CARDS FOR OUR TROOPS

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

Mr. POE of Texas. Mr. Speaker, on Christmas Day, most of us will wake up with our families, the smell of Turkey in the oven, and homemade apple pie, but on the other side of the world, there are men and women who will wake up in the middle of the desert who are representing and protecting America's liberty. Those are our great American warriors.

In 2005, I went to see our troops in Iraq during the Christmas season. Before I left, I asked my staff to get local schoolkids to make some handmade Christmas cards that I could give the troops, and I took about 5,000 Christmas cards to our troops in Iraq and in Kosovo. Every year since then, Mr. Speaker, kids in southeast Texas have been making Christmas cards and holiday cards for our troops in Afghanistan and Iraq and in other parts of the world.

I want you to know that schoolchildren in southeast Texas made 69,000 handmade Christmas cards for our troops in Afghanistan and Iraq and in other parts of the world that will be taken to them this Christmas. I want to thank all of those numerous schools, teachers, and chambers of commerce in southeast Texas.

God bless every one of you for helping our men and women overseas have a better connection with our families and our young people in this country and for letting them know that Texans are thinking of them.

And that's just the way it is.

Hargrave High School JROTC; Humble ISD; Timbers Elementary; Douglass Learning Academy; KARW; Norma's Bookkeeping and Tax Service; Haude Elementary; Salyers Elementary; Crockett Elementary; Girl Scout Troop 21157; Tarkington Primary School; Cadette Girl Scout Troop; Goose Creek CISD; Brownie Girl Scout Troop 16253; Spring, 4-H, Girl Scout Troop 26184; Girl Scout Troop 26015; Marauder Composite Squadron; Holy Trinity Episcopal School; Hi Neighbors Group; Ronald Reagan Republican Women; Village Learning & Achievement Center; McAdams Associates Real Estate.

Schochler Elementary; Rikki Wheeler and the Baytown Chamber of Commerce; Operation Independence; Ross Sterling High School; Horace Mann Middle School; Alamo Elementary; San Jacinto Methodist Hospital; Kingwood Middle School; Woodland Hills Elementary; Sterling Middle School; Timberwood Middle School; Beaumont Independent School District; Lamar University; Boy Scouts; Deerbrook Baptist Church; Port Neches Elementary; Chambers County Pilot Club; Neverland Rec. Center; Westbrook High School; Marshall Middle School; St. Thomas Episcopal Church, Beaumont, TX.

□ 1440

ADDRESSING THE FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker and colleagues and the general public, there has been a lot of discussion in the last several days about what to do with the fiscal cliff. Is it a cliff? Is it not a cliff? Is it a slope? Is it the end of America as we know it, or whatever. But in this debate, there are a few things that are absolutely critical—tax policy, the President has laid it out very, very clearly, as did the election. We're going to do tax reform, yes. And it's time for those at the upper end of this wealthy country to pay their fair share. So the President has made it very clear: we're going to raise the rates on those making over $250,000 a year. And by the way, we ought to be very clear understanding what that means. That means 100 percent of Americans get a tax break on the first $250,000 of income. Over that, yes, they'll pay a higher rate, marginal rate, for that over the top.

Hey, but what I really want to talk about today with my colleagues who will be joining me in the next few minutes is another part of this debate, and that is on the reductions in Federal expenditures. What's the best way to do it? How are we going to reduce Federal expenditures? There are those that say take on the entitlements. Make the seniors pay more. End Medicare as we know it. Turn it into a voucher program. Or maybe turn it into a premium support program which, as a former insurance commissioner, I know exactly what that means. That means if you're over 65, hey, you're going to get to go buy insurance from the rapacious health insurance companies. Good luck. Premium support, just another way to end Medicare as we know it. Voucher programs, another way to end Medicare as we know it.

In the last election, this was a central part of the debate here in America. And it was clear: no way, no how are we going that way. There are others who proposed, well, why don't we just raise the age to 67? Interesting, very interesting proposal. Well, it will save Medicare a little bit of money, but what does it do to those people who are 65 to 67 years of age? It denies them the opportunity to get affordable health insurance in the Medicare program and simply throws those people off to the wolves, again, to the rapacious health insurance companies. And by the way, those are exactly the people that the health insurance companies don't want. They're the people who have higher expenditures. They're the ones who are beginning to get health issues, so the health insurance companies don't want them. How are they going to get insurance? They're going to get insurance at a very high cost, if at all.

And, oh, by the way, there are those that want to do away with the Affordable Health Care Act. In the Affordable Health Care Act, there's this thing

called the Patients' Bill of Rights. The Patients' Bill of Rights guarantees that insurance companies cannot deny you based upon a preexisting condition. However, they can charge differential rates based upon age. So that notion of somehow saving Medicare by keeping people from getting Medicare is the back way to go, and it is a nonstarter, at least with me and I think many of my colleagues.

There are things that can be done in Medicare, and we're going to talk about those things that we can do here with our colleagues today. We also want to pick up the issue of Social Security. Let's be very clear: the deficit situation faced by the United States is not a Social Security problem. It is not a Social Security problem. Social Security is stand-alone. It is not part of the American deficit. It's an issue that over the years has come back before the American public. The Congresses in the past have dealt with it, extended the viability of Social Security for years and years, and this Congress does not need to deal with this problem this year or even next year in the 113th Congress. Down the road it must be dealt with—and there are numerous ways it can be—but to bring Social Security into the deficit debate is only to cloud this debate and to make it far more difficult for us to find a solution.

Now, my Democratic colleagues and I and the President have made it very clear we understand the necessity of solving this problem and we're willing to compromise. The President has put on the table a very complete, detailed program about how we can deal with the deficit both in the short term and in the years ahead. And we need to proceed with that. Unfortunately, it was just simply dismissed and a new—well, not a new—actually a rebaked, redone, rehashed proposal was put on the table by our Republican colleagues yesterday, one that really doesn't move us toward a compromise. We need to get there. We need to get a compromise under way. So let's see if we can figure out how to do it.

I see several of my colleagues here. I'm not sure which one was first up, but it looks like it might be Florida.

Ms. BROWN of Florida. I'm CORRINE BROWN from Florida, and I'm from the home of Claude Pepper. He was a House Member and a Senator, but he was Mr. Social Security. He was here during the time of Ronald Reagan, and he made sure that Social Security, which was enacted under the Democrats, and I will never forget, Newt Gingrich said that he wanted it to ''wither on the vine.'' That's been their philosophy.

Now, I feel that Medicaid, Medicare, and Social Security is the difference between us and many of the Third World countries. In fact, it has been the bedrock of American politics as far as helping to raise the standards.

You know, many of my colleagues often talk about the Bible. Well, the Bible says—I've never heard them say let's help the rich—the Bible always talks about the poor and what we need to do to help raise the standards. That's what we're supposed to be doing in the people's House. During the campaign, they constantly confused the American people, talking about the $715 billion that was in both proposals that was savings, that we put back into the system that helped people that were receiving their prescription drugs. We were helping to lower the cost. In fact, we were plugging the doughnut hole. So that argument is over. And the fact is that it will be 434–1. I will never vote to do anything with Social Security as we speak.

And when you talk about Medicaid and Medicare, many of those people are in nursing homes that cannot speak for themselves. They only have us as their voices. And as we negotiate and discuss, let's look at one group, African American men. Most of them don't live long enough to benefit, and everything is not equal. When we look at jobs and professions, many of you have these nice cushiony jobs, and so we don't even have to worry about raising the age. But when we look at people who actually work for a living, whether we're talking about bridges or whether we're talking about driving trains or trucks, you want to raise the limit for them? So there are many issues that need to be discussed as we move forward.

But when President Clinton was in office, he left this country in the black. The people have weighed in. They've indicated that we want to move forward, put people to work; but we want to do it through a fair method of doing it, and that is not cutting programs that impact the working poor in this country.

Mr. GARAMENDI. Well, you're absolutely correct about that. The proposal to cut Medicare benefits is a nonstarter. There are things that can be done in Medicare to reduce the cost, and much has already been done.

I would like to ask my colleague from the great State of Michigan to join us. Mr. CURSON is a new Member of Congress, came in a special election about a month ago. Welcome. We are delighted to have you join us.

Mr. CURSON of Michigan. Thank you, and I agree wholeheartedly with what's been said so far, and what I really want to say is Medicare is run more efficiently than nearly any insurance company in the world.

□ 1450

They devote less than 2 percent of its funding to administrative expenses, and you compare that to a private insurance company that costs up to 40 percent of premiums for individuals and small group plans for administration and to pay their executives six- and seven-figure salaries to do the same thing that's administrated by Medicare officials.

Also, the attempt to move Medicare eligibility from 65 to 67 sounds like an easy fix. Well, not only, as was spoken earlier, the recipients, those people that are 64, 65, 66, going into that category are people that possibly are already struggling, lost their jobs, they need that health care, they have a preexisting condition, and now their very life is threatened having to wait that much longer.

We all look to take care of small business and private insurance funds, such as VEBAs and those types of institutions that money is forecast to pay for various health care, and you stretch out 2 more years of their coverage, small business now has to pay higher premiums to cover those employees that last those 2 more years. And they either have to make a choice: They reduce what they give in coverage or they eliminate it altogether, or they shift those premium costs to the worker. It's happened over and over and over again, and we need to avoid that in this coming legislation.

Mr. GARAMENDI. Mr. CURSON, thank you so very much for your thoughtful discussion of the age issue—it's a profoundly important one—and also bringing up the issue of what is the cost of Medicare administration compared to the private health insurance companies. You're quite correct. Medicare is a very efficiently run program, very efficient in collecting the money and paying the bills, far more than you would ever find in the private health insurance sector, perhaps by a factor of 4—3, 4, maybe even 5 in some cases. Also, Medicare has had an extraordinary run of keeping the costs down.

I'd like now to call upon Mr. JOE COURTNEY of Rhode Island—Connecticut. I've made two mistakes today about my colleagues' locale.

JOE, it's yours.

Mr. COURTNEY. Thank you, Congressman GARAMENDI. And I realize there's congressional districts in California that are probably bigger than Rhode Island and Connecticut combined, so I won't hold it against you too hard.

Thank you for taking time on the floor today to spend some time talking about Social Security, Medicare, and Medicaid. This really is the moment of truth right now.

Yesterday, the Republican leadership came out with their package in terms of trying to deal with the so-called fiscal cliff, and even though, for months, they have not really fleshed out with great detail where they wanted to see savings, yesterday they did. They came out with a proposal which talked about raising the eligibility age for Medicare from 65 to 67.

They talked about recalculating the cost-of-living-adjustment for seniors who are on Social Security. It's the so-called chained CPI, which would lower the year-in and year-out increase for people on Social Security in terms of keeping up with the cost of living.

These proposals really need a full, vigorous debate before the American

people before we move in that direction, which I would argue, and certainly you and others here this afternoon, would be the wrong direction for middle class and working family Americans.

You know, in terms of Medicare, I think it's really important, historically, to review how Medicare came into existence.

In 1965, when it was signed into law by President Lyndon Johnson on the porch of Harry Truman's house in Independence, Missouri, only half of America's seniors had any insurance whatsoever. Because of age, because of preexisting condition, because the insurance company, frankly, just viewed them as too high a risk, and because of cost, only half of America's seniors had any insurance whatsoever. Life expectancy in America in 1965 was 70 years old.

With that stroke of a pen by Lyndon Johnson, the genius of Medicare was created, which created a pool for people above the age of 65 and people on disability, a pool which could spread risk out and make the challenge of covering people at that age much more manageable. And for the following 47, 48 years, we have had a system which now has brought life expectancy for Americans up to age 78. In other words, having people in a situation where they can access needed medical care, in fact, lengthened people's lives and, in some instances, actually added to the economy because some people even continued to work, to a degree, who are on Medicare.

It has really accomplished its mission which was visualized the day that President Johnson signed it into law. It does face challenges. There's no question that demographics, with the baby boom coming on the horizon, is going to increase the number of people in the program, but the way you solve that problem is just make it smarter and more efficient.

When President Obama signed the Affordable Care Act in March of 2010, last year there were some really solid, smart changes that were made to the Medicare system to make sure that the cost per patient would be moderated, but not that it would cut benefits or kick people off the program, which is what the Republicans are proposing to do, saying people who are 65 and 66 would no longer be eligible under their proposal.

This chart which I brought along with me this afternoon is based on Standard & Poor's Dow Jones Index, which tracks the Medicare program every single month in terms of per capita spending, and it shows, again, back as recently as 2005, 2006, per capita expenditure for Medicare was actually quite high. It was over 7 percent per patient, and that, obviously, is an unsustainable level under almost really any circumstance, but over time it moderated.

And then this red line shows the day that President Obama signed the Affordable Care Act, which put a number of really intelligent changes into Medicare, promoting preventive care services, prescription drug coverage, making sure people will get their colonoscopies and their cancer screenings, and also saying to hospitals, hey, if people show up at your emergency room 30 days after you just treated them, we're going to penalize you. You've got to do a better job of monitoring care in the community. And that change, by itself, is already promoting a lot more collaboration on a much more cost-effective, better way for people.

Who wants to be in an emergency room? You want to be home with your care being provided, not sitting, again, in a hospital room waiting for life-or-death treatment.

So since that date, when President Obama signed it into law, the per capita growth rate under Medicare is now down to its lowest level in the history of program—2 percent per capita growth. And the fact of the matter is we can do more. We can actually build on that success of the Affordable Care Act.

Anybody watch ''60 Minutes'' on Sunday? They had a story about a hospital system which basically was threatening to fire doctors if they didn't admit patients according to certain quotas because they're, again, chasing that fee-for-service incentive that is in old Medicare. I mean, those are the kinds of, in that case, fraud, but in other instances, you know, changing that fee-for-service incentive can actually bring this number down even much more dramatically, and we don't have to touch a hair on the head of any Medicare-eligible senior in America for decades to come if we make those smart changes.

So the fact of the matter is we're seeing great progress just, again, in the last 2 years, 2½ years. And the fact is that there are very good ideas about ways of making the system much more efficient.

And I will tell you, and I know my Members that are here on the floor will agree with this. When you go and visit a hospital or when you go and visit medical groups, the changes in electronic records, the changes in terms of incentivizing preventive care have been embraced by the medical community. They actually understand how wasteful the high volume fee-for-service system is in terms of just not only taxpayers, but also the resources that are precious and should be really allocated to all Americans, not just those who have good insurance that can reimburse for those procedures.

So the fact of the matter is we can do far better than kicking 65- and 66-year-olds out of the system as a way of protecting Medicare solvency, and that should be the direction that we go with these discussions over the financial future of the public finances of this government.

Again, I want to thank Mr. GARAMENDI for organizing this discussion here today because it's important to get these facts out.

Mr. GARAMENDI. Mr. COURTNEY of the great State of Connecticut, thank you very much for bringing this information to us.

Your chart is a dramatic one, when you consider the period of time and the extraordinary reduction in the inflation rate in Medicare. If you had another line on that showing the general inflation in health care for the general population, it would actually be above Medicare, that entire slope all the way down.

□ 1500

And it's significantly above it. So what's happened—in part, I think, you're correct; there may be other forces involved here, but certainly you can see the effect of the Affordable Health Care Act. And you identified very well some of the critical cost savings that are in that. And it's well worth repeating it, which I will do with you. And we ought to go back so the public comes to understand what was in the Affordable Health Care Act.

For those over 65 that are in Medicare, those changes are critically important. First of all, stay healthy. If you want to save money on hospitals and doctors, stay healthy. And so you have an annual wellness visit. I think something like 50, 60 million Americans have been able to take advantage of that free annual visit. You've got high blood pressure? Well, let's take some blood pressure medicine. You're headed for diabetes? Here's a dietary program or exercise program. We can deal with those. You keep people out of the hospitals. The hospital infection rate, the other one you talked about, very powerful. I hear from hospitals in my district, and I'm sure my colleagues do also. They don't want that readmission because that comes right out of the hospital's pocket. And also there's a penalty.

So there are many, many issues here that are involved in the Affordable Health Care Act that have caused that slope downward to continue. Enormous savings to Medicare. Because when you look at the Medicare issue, it's a projection for 10 years. And the projected rate 2 years ago was 5, 6 percent. And where are you, down in the 2 percent range now? Those are multibillion dollars a year the American public will not have to pay in taxes and increases in expenditures. So these things begin to add up. But there are many, many more savings.

I don't want to dominate all this time. I see that other of our colleagues have come and joined us.

PETER WELCH from Vermont.

Mr. WELCH. Thank you. This is such an important issue about the future. We can get a deficit deal. The President is committed to doing it. It's got to be balanced. Balanced means there's got to be revenues. Our taxes, especially from the high-income, are at historic lows. We have to have health care

reform, and that can get the cost of health care down, bring that rate of growth of spending down.

In Vermont, that's what we're trying to do. We're a single-payer State. We're trying to move towards a single-payer. And the reason is that it's the best way to get our arms around health care so you can continue the access. And we know that there are reforms that we can make in Medicare. Just for example, if we purchase drugs wholesale, why do we pay retail? In the VA and in Medicaid, the government is a big purchaser and it negotiates price discounts with the pharmaceutical companies that are quite eager to sell their prescription drugs to Medicare.

Mr. GARAMENDI. If I might interrupt you for a moment. Under the current law, the U.S. Government Medicare program, it is prevented by law.

Mr. WELCH. It's illegal to be a smart shopper. That's exactly right. You can't make that up. It's illegal. It would be like telling you, if you went into CVS to buy some aspirin, and you knew you were going to use them for a year—you had a family, if you wanted to buy the bottle that had 100 and the per unit price is one-third of what it is if you're going to buy the bottle of 20, it would be illegal for CVS to be able to sell it to you at a lower price per unit. That's what we have in Medicare.

Everybody understands you've got to pay for what you're going to get. But the fundamental debate here—and this is what was reflected in the Ryan budget with the voucher plan—is: are we going to try to address what are obvious failures in the system of the delivery of health care, like not allowing for prescription drug price negotiation? That would save $165 billion, and it wouldn't cut a single benefit. Or, are we going to go allow that system that makes no sense continue and instead take $165 billion worth of benefits out of Medicare so that if you go to the doctor, they may treat you for a broken wrist but not a broken forearm. It doesn't make sense. And it certainly doesn't make sense to start talking about benefit cuts before you have the system reform and can get savings that are literally right on the table in front of you.

So we can deal with this debt situation that we have in this country. It is serious. Democrats understand that. The President understands it. It's a serious problem. It's a solvable problem. But to solve it we have to have a significant contribution from revenues. The top 2 percent can afford have their taxes go up to the Clinton year rates. That's number one. And number two, we can have reforms in health care that would benefit not just Medicare sustainability but health care expenses, whether you get your health care at work through your employer or whether you're a private-pay person.

The nice part of this is that we are all in it together. Thank you for doing this. We can solve this problem. And let's do it.

Mr. GARAMENDI. Mr. WELCH, we will do it.

MR. COURTNEY from Connecticut has some ideas about other things that we can do.

Mr. COURTNEY. Again, I think it's important—and you touched on this, JOHN—when the Affordable Care Act was passed in March of 2010, the Congressional Budget Office was projecting out some savings because of the ACA. But they were figuring about 4 percent per capita growth. Again, as you pointed out, this chart now shows we're down to 2 percent. So they have actually been revising their estimates over the last 2 years. And the net savings, the recalculation just in the last 2 years has been hundreds of billions of dollars of lower expenditure than they had first thought was going to be the case.

When you compare that magnitude of savings with, for example, raising the eligibility age to 67, they're dwarfed. It is really just a small portion of what efficiencies in the system are capable of producing. And the fact of the matter is that raising the eligibility age, there's no free lunch. The fact is that even though these are people that will be challenged in the private insurance market, 65 and 66 are still the healthiest population within the Medicare pool. So the ones who remain in Medicare, their part B premiums are going to go up. And that's not just me saying it. It's the Kaiser Family Foundation, which analyzed the impact of raising the age to 67. You're going to raise premiums. You're going to, obviously, leave people in a horrible situation in terms of trying to find any insurance. In the private market, which you regulated, you know that is the roughest area of older working-age individuals. And the net effect in terms of overall health care costs in terms of the system is zero. In fact, there's some that would argue that it would actually add cost to the system.

Mr. GARAMENDI. I think it really would add cost. We discussed earlier that the Affordable Health Care Act has a very powerful cost-saving mechanism called Staying Healthy. And that is the prevention programs. If you move that age from 65 to 67, you're going to have a significant population of seniors who will not have access to that preventative medicine program. It's not going to be there for them. So the potential for them to develop long-term, debilitating diseases increases. And when they get to Medicare, they will be much more expensive, to say nothing of what happens to them during that 2-year period when they can't get to Medicare.

You said something earlier on and I'm going to go back to this. You talked about what happened before Medicare—the 50 percent of the population of seniors without medical insurance, the poverty rate. When you said that, my mind flashed back to when I was a young man in the 1950s—actually, not even a teenager—my dad took me to the county hospital. We were ranchers out in the boondocks of California, and nobody had insurance who was in their senior years. The county hospital sticks in my mind as the reason for Medicare. It was beyond horrible. There was just a row of beds, the most horrible odor in that ward—people dying. It was so compelling.

And today, there are issues out there. But we have seen the population of seniors healthy, living longer—20 years longer than they were just 45 years ago—50 years ago now. This is so important to seniors. And it is the Democratic Party that has stood for Medicare all of these decades. And we're not going to let it go. We're not going to let Medicare go. It is a foundation of our humanity and our compassion as Americans for all because all of us want to live long enough to get into Medicare.

Reforms are possible. We've talked about several of them here today. I know that our colleague from Michigan spoke earlier. If you'd like to come back in and talk about this, we'd welcome you. We'll go back here for a little longer.

Mr. CURSON.

□ 1510

Mr. CURSON of Michigan. Well, again, as we talked earlier, it seems to so many in the public that moving that age—particularly young Americans—that just going from 65 to 67 doesn't mean a lot; but if you look at the statistics of age in this country, that's the baby boomer generation. That's the greatest population this country has ever had is right in that area. I'm part of that, I'm 64. So many of my friends cannot wait 2 more years for health care. They can't afford the out-of-pocket. Some have preexisting conditions. Without question, if we move this, it will be a sentence of death for many, many Americans who won't be able to get the health care that they need.

As I went through and campaigned—I come from a district that was 60 percent Republican—it didn't matter what forum I was in, what group I talked to. There was no great calling to change Medicare, to take benefits away, to raise the age. There was a lot of calling to take the corruption out of Medicare, to take the phony doctors and the phony bills and other systems. This is what we talked about: not having the ability to negotiate prescription drugs; millions and millions and millions and millions of dollars just to make that part of the system competitive. We can't do that by law; that's ridiculous. Those are things that easily we could go in, we could do, and we could make the system much better without touching a single benefit for any American.

Mr. COURTNEY. You're mentioning the fact that there may be some young folks out there who might be of the belief that this is really not a big deal to bump that age up 2 years. The fact of the matter is that some of the folks who, again, analyze the impact of raising the eligibility age say that it would

spill over to young Americans, and here's how:

There are a lot of private employers that have health insurance plans that when people hit retirement age, 65—or their hoped-for retirement age—they are able to, again, move into Medicare. They come off their employment-based plan, maybe get some supplemental coverage as part of their retirement package. But the fact of the matter is that helps move people out of the workforce at an appropriate age of 65 and opens up jobs for younger Americans. To the extent that you now are going to say that Medicare won't be there until age 67, it, frankly, is going to force a lot more people to stay in the workforce longer than I think really most people believe would be the case today. So, in fact, it would create that job lock that would prevent, again, the workforce to continue to refresh itself with young Americans.

So the fact is that having a solid retirement health insurance plan like Medicare helps young Americans because it, again, allows the workforce to continue to circulate people, older Americans out and younger Americans in. That's why, again, the folks who had the genius to have the strength to pass Medicare in 1965, they solved a lot of problems in the U.S. economy, in the U.S. society that really extended far beyond just the patients who that program covers.

Mr. GARAMENDI. Well, there are certainly a series of things that we know we can do to reduce the cost of Medicare. Some of those are already in place. They've been brought forward by the Affordable Care Act. Others are yet to be done. The prescription drug issue is out there, enormous savings, $160 billion or $150 billion right there over a 10-year period.

The fraud in the system, some of that was dealt with with the Affordable Care Act, but there's much more that can be done. There are fraudulent billings for durable medical equipment as well as other kinds of services that are provided. Those need to be addressed. The systems that are being put in place, that is, moving away from fee-for-service, will significantly address that.

In the area of hospitalization, again, there are programs that are viable, that are not yet implemented, that are not part of the savings that have already been calculated, for example, programs on the dual eligibles. The dual eligibles are those people that do not have sufficient income, but are already quite ill that may be 20 years of age, and they're getting Medicaid as well as Medicare. There are savings that can be found in the way in which we organize that.

For those seniors that are on Medicare, an organized health care system that keeps them healthy, that is, taking the prevention program a step further, or two or three steps further, so that there is a continuity of care and there is a follow-up, maybe a social worker or simply somebody on the phone saying how are you doing; are you taking your medicine; are you able to get the food that you need so that people can stay healthy. A healthy population significantly reduces cost.

The use of the Affordable Care Act—not just for Medicare, but for the total cost of the system—has a very, very powerful cost reduction in it; and it's called ''insurance.'' Forty million Americans are going to be insured. That means that those people are less likely, far less likely to go to the emergency room to get their care.

The Affordable Care Act also provides for clinics. Where a private doctor may not be available, a clinic would be available. So all of these things provide more care to people and, in doing so, reduce the cost of the extraordinarily expensive care that comes from when people don't get continuing services of health care.

So Medicare is a huge issue before all of us. On the Democratic side, we're saying, yes, there are savings available in Medicare, we should take advantage of those, but we're not going to cut benefits. And we're not going to privatize Medicare or end Medicare as we know it. There are other things that we can do, we're willing to do it; let's compromise on those things that make sense without destroying the Medicare program.

Not on our watch are we going to see the benefit package reduced in such a way as to harm seniors—no way. And no way are we going to end Medicare as we know it. We'll draw a line in the sand; we'll save the money; we'll put that cost curve even on a better trajectory, and that is a very, very formidable and positive trajectory there.

Let's spend just a moment of time, as we come towards the end of our time, on Social Security, which many people—well, not on the Democratic side, but let's talk about Social Security and should it be on the cutting table here, should it be part of the deficit reduction.

Mr. COURTNEY.

Mr. COURTNEY. Well, again, what's remarkable—and I know both of you are well aware of this—is that Social Security, over the last 3 or 4 years, 2 out of those last 4 years there was no COLA; there was zero percent increase for seniors on Social Security. Again, as we all know, that's a formula that's tied to the Labor Department basket of goods that they spill out every year since the 1970s when COLA was first enacted, and where the economy at that point produced that result.

Now, the last 2 years there have been moderate increases through the COLA formula; but, again, Republicans want to go deeper. They want to come out with a new cost-of-living adjustment formula called the ''chained CPI,'' which would depress the existing COLA formula that already ended up with a zero percent 2 out of the last 4 years and make that even lower for seniors.

As I think many of you know, you go to a senior center and you talk about, how come we didn't get a COLA this year or how come the COLA is so small, and you explain to them how the formula works. Well, the fact of the matter is that Labor Department formula that we use today uses a lot of goods and services that seniors don't buy. They don't buy flat screen TVs, they don't buy laptop computers, where prices have come down because of competition in those areas. They concentrate their spending on food and fuel and prescription drugs, which, if you look at just that basket of goods, the COLA would be higher than the existing formula, certainly not lower.

So for the Republicans to come out with a proposal that says we should depress the COLA formula that we have today that, again, really doesn't match up with the profile of what a senior goes out to the supermarket and buys one week to the next, and is really going backwards in terms of really the economic security of people over age 65.

I know the gentleman from Michigan would like to share his thoughts.

Mr. CURSON of Michigan. Well, I think the great majority of our citizens don't understand that Social Security is not funded by tax dollars. The confusion lies because over the years the contributions made by workers to fund Social Security created a surplus. With that surplus, they loaned that surplus to other government-funded projects, and they're being paid back with government money. That government money every year is now playing into the repayment. That's why people think that you can cut Social Security to take the tax dollars out.

□ 1520

Well, if that was a private insurance company that had a surplus and loaned that surplus to another company, that first company would expect the second company to pay it back. So that cannot be part of this equation. Social Security and the Federal money that goes into Social Security cannot be part of the equation in this fiscal cliff debate.

Now, certainly with the expectancy of Social Security only surviving until 2038, before it has reduced benefits, in the very near future, this great Hall has to discuss how to fix that; and all the great minds in this Hall, I'm sure, can. But it does not need to be a part of this debate. This should not be a part of whatever legislation we settle in this last lame-duck session of this Congress.

Mr. GARAMENDI. Well, you are certainly well stating my position and I believe the position of our colleagues and I believe of the President. Social Security is not part of the current deficit problem. It is an issue. We'll have to deal with it at any time between now and the next 7, 8 years. And we can. It's been done before.

At least three times in my memory, Social Security has been adjusted. One was discussed earlier with the issue of

the COLA. That's been adjusted. There are things that can be done to deal with Social Security, but that is a debate separate and apart from the deficit and the fiscal cliff debate.

The fiscal cliff debate is a tax issue, and it's also a spending issue. Today we focus largely on the issue of what are we going to do about Medicare, a big part of the Federal expenditures. And our argument is this: we're here to protect Medicare for seniors, period. We're not here to cut the benefits for seniors. We're here to see to it that Medicare, which has been a program for seniors since 1964–65, is going to continue to be there for seniors as well as the benefits package that's there. There are reforms and changes that can be made to reduce the cost of Medicare but not to reduce the benefits. We've talked about many of those.

So here's where we're coming. Within that area, there are very, very significant savings that can be made. The prescription drug benefit, $150 billion over 10 years. Other issues having to do with keeping people healthy, to extend their health care, issues having to do with how much we pay for certain services, fraud and abuse. All of those things could add up to the potential savings—not the potential savings—to the savings that the President has called for, which is somewhere in the range of $300 billion over 10 years—additional savings over and above what has already taken place in the Affordable Care Act. And we've seen in this decline in the inflation rate in health care some of the effects of the Affordable Care Act. So there are things that can be done and will be done.

Social Security is not a part of this debate.

But I also want to point out here in the last closing minutes of this a couple of things that I think are very, very important. The President has put forth a very detailed program calling for $1.6 trillion in additional revenue over 10 years; and that is money that is to come from the expiration of the George W. Bush tax cuts for the top 2 percent.

Now I want to make this clear. I said this earlier—yes, it's worth repeating because it's not said very often—every American taxpayer gets a tax reduction. The superwealthy to the very minimum taxpayer in this Nation gets a reduction in what the President is proposing. And that is to continue at the current tax rate for those with under $250,000 adjusted gross income. For those who have income over and above that, they get that tax reduction. And above that, they're going to pay an additional amount up to 3.9 percent in two different tranches. So everyone gets a tax break.

But those superwealthy, the 2 percent, they're going to pay more, and that will amount to a substantial amount of money over 10 years. And, frankly, they've had 12 years of really low, low taxes—the lowest taxes, really, ever since the 1930s.

The President has also proposed something that's very important. We talked about this last week. I want to talk about this again the next time we come here. And that is, how do we grow jobs? How do we put people back to work?

The President has proposed an additional $50 billion. He did this more than a year ago in the American Jobs Act, and he's put it back on the table: $50 billion in infrastructure. Let's build the foundation. That deserves a lot of discussion; and, frankly, it's something we ought to enact here right away and put people back to work.

There are other savings that he's proposed over the course of the next 2 years. We don't have time now. I notice my time has just about expired, if you would like to take a final shot at this, Mr. CURSON.

And by the way, this is the first opportunity I have had to spend part of my hour with you. You are a very articulate spokesperson for the working men and women in this Nation. You know the issues of Medicare and Social Security so very, very well. And I know, coming from Michigan and Detroit, you know the need to build the jobs portion of our economy. So why don't you close, and then I will wrap this up.

Mr. CURSON of Michigan. Thank you for that, and I thank you for your comments.

But without a doubt, we could take an hour talking about rebuilding the infrastructure, the jobs it would create, the need in America to fix our bridges and our roads. If you are about to drive over a bridge, you want it safe. It doesn't matter if you are a Republican or a Democrat, you want that bridge to hold you and your car up as you go over it. That needs to be done.

Much of our infrastructure is crumbling. The power grid is crumbling. If it goes out, it doesn't matter what party you are affiliated with. You want your lights on; you want your refrigerator to work; you want your house warm.

So all of those things that could be done and would put America back to work and create revenue from people working, when they get that paycheck, then they would have money to send their kid to a dance class or to go get a haircut. All the small businesses in the area spawn off of that money from creating jobs, rebuilding our infrastructure. That should be on the forefront of our agenda, and I certainly hope we have a chance to talk about that.

Mr. GARAMENDI. How about next week? We'll come back to the floor next week, and we'll pick up the issues of infrastructure, of jobs and the like.

This week we need to focus on what has been put on the table by the Republicans and the Democrats on how to deal with the fiscal cliff, dealing with the issue of Social Security and Medicare. Social Security—no, not part of this problem. It is something we'll deal with perhaps in the next Congress or even in the one beyond that because we do have time to deal with Social Security.

Medicare—for those who want to privatize Medicare, end it as we know it with a voucher or a premium support program—no. No way, no how are we going to go there.

For those that want to work on changing the way in which Medicare operates to get savings, such as negotiating drug prices, dealing with fraud and abuse, the various payment systems that are in Medicare, all of which can save money and to continue the work of the Affordable Care Act, and the way it has already brought the inflation rate down from the 4 percent, 5 percent range down into 2, 2.5 percent range, this is an extraordinary savings right here. And that will be calculated in the years ahead. And, frankly, this will add up to hundreds of billions of dollars in the reduction and the projected cost of Medicare in the years ahead.

So we're making progress. We've got work to do, and we're prepared to do it. The Democrats are prepared to put together a compromise. Let's get to work on it. The American public expects us to do that. And we can, and we will.

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

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the majority leader.

Mr. DANIEL E. LUNGREN of California. Thank you very much, Mr. Speaker.

I take to the floor at this time to talk about an issue that is of the utmost importance to this country, one that I have worked on for several decades, and one that has an urgency to it that cannot be denied, and that is the issue of immigration.

It is a multifaceted issue, one that has a number of subtexts to it but, nonetheless, is one that will not be confronted. The challenges will not be met unless or until we recognize the problem or the challenges as they truly exist.

And what I mean by that is this: immigration, in all its aspects, is a part of the heritage of this country. Immigration is one of the cornerstones of this Nation. It has been said—and I think it is true—that this is a Nation of immigrants. And what that means is that most of us, with the exception of those who are Native Americans, trace our ancestry to some foreign country, some foreign shore.

□ 1530

The rate of immigration has gone up and down over the two-plus centuries of the existence of this country. It has varied in terms of where the greatest numbers come from over the centuries. It has resulted from and has been altered by decisions made by previous Congresses and Presidents in terms of

the laws that prevail with respect to immigration. But the fact of the matter is that we now are facing a question of immigration policy that has not, in fact, worked for some period of time to the extent that is necessary.

There are several aspects of it, as I mentioned before. One is the area of legal immigration. This country has a glorious history in terms of inviting and accepting and embracing peoples from all over the world. I think I can say without contradiction that this country has had the most open policy with respect to immigration over the years of any country in the world. We had restrictions at times, some that, as we look back now, appear to have been at least misguided. We have had some discriminatory practices in the past with respect to people from certain parts of the world, certain parts of Asia at times. There was, in fact, a bias, if you will, towards Europe, and particularly Western Europe, over a number of years.

But in the 1960s, there was a decision made in this country by way of our laws that moved us towards a worldwide quota system, meaning that the chances for peoples around the world were to be in some ways viewed as equal, meaning that we did not have a bias towards Europe, we did not have a bias towards some other part of the world. The idea was that we would try and make our immigration policy work such that someone who wished to come to the United States from a country in Africa or a country in Asia would have a similar chance as existed for someone in Europe. So that was a major change in our overall policy.

When I came to Congress in 1979, that was essentially where we were, but we also realized that there had been a lack of enforcement of the laws with respect to legal immigration such that we had a significant number of people who had come to the United States without the benefit of papers, or to say it another way, who had come into this country illegally or had overstayed their legal status in this country and were now here illegally.

One of the consequences of a lack of proper enforcement, one of the consequences of having large-scale immigration is that it overrides, in a significant way, the law that would look out and say no matter where you are from in the world, you would have approximately an equal chance of coming to the United States. And if you had illegal immigration from particular areas of the country, that would, in a sense, create a bias under the practice, if not the actual law, for that part of the world.

We found, interestingly enough, that the largest number of people who had come to this country or were in this country without proper documentation came from Central and South America, the largest number of them from a single country, that is Mexico, which is not altogether surprising when you realize we have a common border with Mexico that ranges from the Gulf of Mexico to the Pacific coast and is approximately 1,960 miles long. If you have visited it, if you have traveled along its entire length as I did back in the early 1980s as a member of the Immigration Subcommittee, you will find the topography such that it is difficult at times to actually have a border that is marked and a border that is controlled. Nonetheless, that does not excuse us for not exercising the control that we should have.

Because of the fact that we had this dilemma of a large number of people who had come to this country illegally and at the same time we're attempting to enforce the law such that a worldwide quota system would still, in fact, be worked, in the 1980s there was an effort to try and reform our immigration laws. I was a part of that as a member of the Immigration Subcommittee. We were, as Republicans, the minority at the time. So as the top Republican on the subcommittee, I was not the chairman. I was, in fact, the ranking member.

I am pleased to say that at that time I had a great working relationship with the then-chairman of the subcommittee, Ron Mazzoli, a Democrat from Louisville, Kentucky. Perhaps the fact that we both were graduates from the University of Notre Dame and shared an affinity for our alma mater assisted us in working closely together. And also, consequently, there had been a bipartisan commission established in the first instance by President Carter and continued on by President Ronald Reagan. It was cochaired by Father Theodore Hesburgh, the former President of the University of Notre Dame, a person much admired and someone that I had known for most of my life and Ron Mazzoli had known, as well. In a very interesting way, we worked together acknowledging the proper roles of the commission and the Congress and shared information, and I think we shared the same hope that we could come up with legislation that would reform our laws.

In 1984, we passed an immigration reform law here in the House of Representatives, and there was a similar law passed in the United States Senate. There was a call for a conference. And in a practice that is somewhat different from what you observe today in the Congress, at least for the last several Congresses, at that time you actually had a physical conference where you had Members from the Senate and the House representing those two sides of the Capitol meeting in public session attempting to try and work out a conference report.

I recall meeting in a large room where the table, as it was set up in a rectangular fashion, was very large to accommodate all of the Members of the House and all the Members of the Senate who were there attempting to try and deal with the issue, and our staffs assisting us. We spent, I think, actually an entire month in conference attempting to work out a conference report. We were unsuccessful.

We came back in 1985 in the new Congress and began working both in the Senate and the House. At that time, the common name of the bill changed from Simpson-Rodino to Simpson-Mazzoli, recognizing the tremendous effort made by the chairman of the subcommittee, Ron Mazzoli. And I recall being at this position on the floor of the House, when this was the minority leadership table, being the Republican floor manager of the Simpson-Mazzoli bill.

We spent well over a week on the floor debating. As I recall, we had well over 200 amendments that were in order, most of which actually got debate on the floor of the House. And there was consideration of some issues within the overall issue of immigration reform that I think went from liberal to conservative, from issues of legal immigration to illegal immigration, agricultural work, seasonal workers. Just about everything was considered on this floor in almost totally open debate.

I was proud to be a part of that debate. I was proud to have garnered the sufficient number of votes on the Republican side to join with those on the Democratic side so that we passed that bill.

□ 1540

We went to conference. We completed action on that. We sent the bill to the President. I can recall driving back to the residence I had here in this area on an afternoon when I was listening to the radio and hearing the report that the White House had announced that President Reagan was going to sign the bill. I almost drove off the road at that time. I recall that I had worked with the administration but that it was not a perfect bill—I've never found a perfect bill here—and there were many naysayers. So you were never sure until the President made the decision that he would sign it, and I was pleased to be at the White House when the President signed that bill. It was a true compromise.

It did result in the largest legalization that we'd ever had in the United States. I don't believe it was total amnesty—I would reject that notion—but it was, in fact, a legalization. The genius of that compromise was that there would be legalization on the one hand and that there would be enhanced enforcement going forward on the other. If one would look at the reports of illegal immigration that followed the signing of that bill into law by President Ronald Reagan, one would see an interesting thing: the numbers coming across our southern border dramatically dropped immediately after that law was passed. In large measure, it was because of the widely held belief that, in fact, we would enforce the law, that there was enhanced enforcement, and that we were going to be serious about it.

I haven't looked at those numbers in a long time, but it seems to me, as I recall, that for a period of, maybe, 12 to 18 months we saw a significant drop in illegal migration into this country. Then it became evident that enforcement was going to be slow, if at all. The fact of the matter is that there was not enforcement. There was not enhanced enforcement as there wasn't enforcement. There wasn't a serious effort. That was a combined result of a failure to follow through on the part of the Congresses and the administrations. As a result, after a significant drop for a short period of time following the passage of and the signing into law of Simpson-Mazzoli, we saw a ratcheting up of illegal immigration into this country. That was in 1986.

Fast-forward to the present time. We have had the result of that ratcheting up of illegal immigration into this country. We have had a situation in which, since people saw that we weren't going to enforce the law, there was an encouragement, in essence, to come to this country in any way one could. There was, as the sociologists called it, the magnet that caused people to come to this country or invited people to come to this country or attracted people to come to this country; and that magnet, otherwise known by sociologists as the ''pull factor,'' was called the prospect of jobs.

I had argued on the floor of this House back in the 1980s that, in fact, we had to recognize the reality of the reliance of American agriculture on foreign workers to a significant degree. Now, I'd come from the Southwest. I'd come from southern California. I had seen that close up. I had gone to the fields. I had seen the conditions in which people would live just for the possibility of coming to the United States for a job. Since we—the people through our government—didn't control it in a fashion in which the government actually determined the number of jobs that would be available, determined who would come in, how long they would stay, under what circumstances they would work, and in what areas of the country they would work, it happened anyway, without any controls whatsoever, and the problem was exacerbated.

One of the fundamental changes I've seen or differences that I've observed in being in the Congress these last 8 years, as opposed to the 10 years I was from '79 to '89, is that the problem, as I saw it in the Southwest, is not nearly confined to the Southwest now; it is, in fact, a national problem. You will find the presence of those who are here illegally who are working in agriculture all over this country. You'll see the increase in seasonal work because you'll see the increase in the demand for ''local produce,'' for locally grown crops. As you see that, you see the demand for seasonal agricultural workers expanding to other parts of the country, and we don't control it.

We don't have a workable system. Some people say, well, we have the guest worker program under the Labor Department, the H–2A program. It, frankly, doesn't work. It works for about 4 percent of the agricultural industry in the United States. I say that as someone who helped draft the legislation as a part of Simpson-Mazzoli, not because that's what I thought was the best we could do, but that it was the best that was able to be accomplished in any legislation that was going forward. So we now are confronted with a situation in which we have had large-scale illegal immigration into this country after the passage of Simpson-Mazzoli and the failure to implement the enforcement side of that.

We also are confronted with the question of legal immigration and the fact that, right now, I believe, we set aside too many visas for those folks who have particular skills that we believe might help this country at the present time. I'm not in any way denigrating unskilled workers, and I'm not in any way denigrating those people who come to this country without skills and then develop them once they're here. Our history is replete with those who have accomplished great things in having come to this country with nothing more than a desire to do well, a commitment to hard work, and using the intelligence and the other skill capacities given them by God.

I do say it makes no sense when we have a situation in which we take peoples from around the world who come to this country because we have the greatest colleges in the world and who develop expertise in science, technology, engineering, mathematics—and in areas that might have an immediate impact on some of the most important growth industries as we look to the future—and we say to them, if you get your degree here, you've got to go to your home country for several years and then apply to come back to this country in order to work here but that Canada will allow you in right away or that many other countries will allow you in right away; or go back to your home country and, thereby, compete with the United States' economy amidst emerging economic growth in your home country.

I saw this very, very closely at hand when I saw one of our major technology companies actually build a plant just over the border in Canada, utilizing a core of those people who had graduated from American colleges, who had come from foreign countries, and who were immediately accepted into Canada. Then Canada was able to build a workforce of about 1,000 people around a core of probably no more than 100 people who would have been required to go back to their home countries from the United States. They basically said, Hey, you don't have to go there. You can come to Canada—and we lost the potential for 1,000 jobs going right across the border because of a policy which doesn't fully understand the appropriateness of our matching up with those people who have particular skills and wish to stay in this country after they've been trained in this country: their skills and our needs. Now, we did vote on the STEM Act here this past week, which was one attempt at dealing with that question, but it was only one attempt at dealing with that question.

In some ways, in my judgment, the changes we need to make in legal immigration have been—I don't know if I'd use the term ''held hostage,'' but they certainly have been put on the back burner because of the desire for us to deal with a true problem that is more prominent, and that is illegal immigration. So why am I talking about this? Well, I'm not going to have the chance to work on this after January 2. While I devoutly desired the opportunity to do that, there has been a decision made otherwise. I still have the passion for dealing with this issue, because I think it's so important to this Nation. I think it goes to the identity of this country, and I think it goes to the future of this country. I reject the notion that we either have to be a Nation of immigrants or a Nation of laws.

□ 1550

I think we can be both a Nation that welcomes immigrants and a Nation of laws. I think we have to understand that there is nothing wrong with this country as a sovereign Nation making decisions with respect to immigration law that are in the best interest of America. Sometimes I think when we're talking about international law, we're talking about international relations, and we're talking about the work of the United Nations, and we're talking about working with other people in the world; and we lose sight of the fact that the first obligation of the Federal Government is to have the interest of the people of this country at heart, that the obligation of the State Department, for instance, is to represent the national interest of the United States.

And so I make no apologies for the United States asserting that it has a right to make decisions in the area of immigration that are in the best interest of the United States. I guess the tough question is what is in the best interest of the United States. Again, I would say it is to show that we can be both a Nation of immigrants and a Nation of laws.

So I refrain from using the phrase ''comprehensive immigration reform'' because that has become a watchword or a watch-phrase for amnesty, and I understand that. I avoid using the term ''pathway to citizenship'' for those who have been here illegally because that, in fact, is defined as amnesty—and for good reason, in many circumstances.

But I do think we have to apply a multifaceted response to a multifaceted challenge or problem. So, first, in order to gain the confidence of the American people, we have to admit that when we did the last major immigration reform, and we've had some

bills since then, but I'm talking about the major immigration reform Simpson-Mazzoli, we did fail to implement the enforcement side of things. The American people understand that. They think they were shortchanged; I think they were shortchanged. We have to admit that readily. That is part of the context in which we have to deal with the issue; and I think we have to, therefore, accept it, acknowledge it, and learn from those mistakes.

So we need to have a commitment towards enforcement. We need to have borders that are controlled, not just because of the issue of immigration or illegal immigration, but because of the threat in a period of asymmetric warfare or an asymmetric threat where those who are committed to do us harm are not just nation states but maybe transnational terrorist organizations or maybe those that have been known as lone wolves who are incited by, inspired by, and committed to the values that have been expressed by those terrorist organizations who spread their venom around the world seeing who might be attracted to it.

And if, in fact, you have a situation like that, you ought to be even more cautious than before about those entering into this country with terrorist thoughts and terrorist desires against this country.

So for any number of reasons, we need to have a commitment to controlling our borders, number one; and, number two, we have to acknowledge that one of the magnets, or one of the pull factors, causing people to come to the United States or inviting people to come to the United States is the prospect of employment that does not consider the legal status of those who seek that employment. And so that's why I think an E-verify system or something very much like that has to be a part of what we do.

Third, we have to acknowledge that in the area of agriculture, there is a proven need for foreign workers. People can argue about it, but I would just say look at the example of the State of California, my home State. We've seen that for well over 100 years we've relied greatly on foreign workers for agriculture. They've been legal or illegal depending on whether or not we've had a program.

I have for many years looked back at the bracero program to see both its positives and its negatives. Its positives were basically categorized as a government-sponsored, regulated program that allowed people to come into this country to seek work in the area of agriculture and give them legal status while they did. That's the positive. The negatives are that in many ways there weren't protections for the workers and because one who came under the bracero program was tied to a specific employer, if he or she had a complaint about that particular employer, they often found themselves back in their home country before they ever had any adjudication of that complaint.

So I think you have to devise a program that would determine the number of people that come here, determine under what circumstances they come here, determine in what areas of the country they can be here, but in a sense allow them to be free players in a free market that is defined by the job, that is, agriculture. And particularly because of the seasonal-worker nature of much of agriculture that they engage in, allow them to go from employer to employer.

There are enforcement mechanisms that can be put in place to ensure that they stay in agriculture, and there are significant penalties that you can apply if they fail to get a job or get a job in agriculture.

One of the things that I've had as part of any proposal that I've presented is that you take the amount of money that would go into Social Security, the employer and the employee contribution, and that goes into a fund that first is responsible for paying for the administration of the program so there's no burden to the taxpayer. Secondly, that money would go into a fund that would pay for any cost incurred by local jurisdictions for emergency medical care that was rendered to those individuals. And, third, that which would be remaining would go into a fund that would—that is for the contribution by the employer and the employee for that particular individual—be dedicated to that individual but would be redeemable only if they returned to their home country and were physically present there. If they weren't during the period of time they were supposed to be home, they would not have that fund. That money would be forfeited. If they did, they would be able to redeem that money back in their home country.

My idea would be that they would be able to work in this country for 10 months out of any calendar year, and they'd be able to go back and forth during that period of time. One of the things that we have discovered is that as we've increased our ability to enforce our control of the border, if someone successfully gets across the border to work in the United States, they now have a great incentive not to return home for fear they won't be able to make it back.

So in a very perverse way, the very success of our increased enforcement has made it more likely that they will stay here permanently rather than return home. So we need to develop a program that is based on the facts as they exist. And participation in the program doesn't put them on the road to citizenship. It doesn't grant them any rights with respect to citizenship or permanent resident status. It is a temporary worker program.

I do not think that other industries have proven the case that they need those kinds of foreign workers. I really don't. In terms of construction, for goodness sake, why do we have the high unemployment rate among African Americans in this country and among Hispanics who are here legally in this country when the construction trade is a great trade to learn, is a wonderful way to be able to earn one's living, and has an opportunity for people to move from just someone working at the job site up to learning their trade and becoming a contractor or subcontractor in some ways.

□ 1600

So I would not suggest that we expand the Guest Worker Program that I'm suggesting beyond agriculture, but I do believe it is appropriate in the area of agriculture.

Probably the most difficult thing to deal with in this entire arena is the question of those who have been here for a substantial period of time in illegal status, illegal immigrants who have been here for a long period of time, those that have put down roots in the community.

There are those that say, look, the best way to do this is just take care of the problem by putting them on the road to citizenship. And there are those who have suggested things such as voluntary departure or enforcement of some other mechanism. And while I appreciate the sincerity and the thinking that goes into both those positions, my belief, after being involved in this for over 30 years, is that neither one of those positions is going to ultimately succeed.

So what do we do?

In baseball we have something, when a ball is pitched to the batter the batter wants to get the wood on the ball. He wants to hit it in the sweet spot, right?

He wants to be able to maximize the energy that is generated by his swing against the ball. And one of the best ways to do that is to hit that sweet spot in the bat. So I've been looking for the sweet spot on this issue. Some people call it the midway; some people call it the compromise. I call it the sweet spot.

It seems to me that we could do this. And I've proposed this in legislation, and I would hope that at least it would be considered in the next Congress by those who will remain. And the idea is that you would identify those individuals who've been here for a significant amount of time. And of course that's up to a decision by the future Congresses as to what that time is. Is it 5 years? Is it 10 years? I mean, what is it?

But I think you'd have to establish what characteristics of roots in the community would identify these individuals. Certainly you wouldn't grant this to someone who just got into the country yesterday or last week, I don't think, because I think that would then encourage further illegal immigration in the future. People say, hey, look, they make it fairly easy, they're going to do it down the line.

So you have to understand about the consequences of the impact on those

who are looking at it from afar, as well as those who are immediately impacted. So you first determine what the period of time would be that would establish them as people who have roots in the community.

Secondly, I think you have to make sure that they haven't committed crimes of another nature, the crime of coming into this country, remaining in this country illegally, but not any other crimes. And people say, well, gee, it might be this crime or that crime. Well, you know, that's a consequence of your action. I think this would be for those people who have not committed other crimes in this country.

It seems to me there ought to be a requirement that they know English or are engaged in the study of English. Why do I say that?

I'm not opposed to foreign languages. I wish I knew some foreign languages. I have enough trouble with English. But if we are a country of immigrants, as we profess to be, and as we are, I believe, you have to have some unifying, identifying characteristics that bring you together. One is the sense of the understanding of the civil institutions we have. But certainly, one is the manner in which we express ourselves.

So a common language, I think, is particularly important to a country of immigrants. It brings us together. It allows communication. It allows us to come together as a community, without giving up or in any way disparaging our heritage. So I would have that as the second requirement.

Third, it seems to me, there ought to be a requirement for a study of some of those civil institutions of our society. There should be an understanding of what the essence of the democratic institutions are because people coming from other countries have other traditions, other systems.

I'm reminded of this, when we had large-scale refugee numbers coming into this country. I was a young attorney in southern California. I remember going down to Camp Pendleton with other attorneys and volunteering our time to teach those in the refugee community, and that was one of the places that they first came in California, to Camp Pendleton, before they then found sponsors and came to other parts of our country and the state.

Giving them simple instructions in the law, and the way the courts worked, and what your rights were. Fairly elementary, but nonetheless, necessary. And it was indelibly impressed on me that some of the things we do in our system are not immediately apparent, and people from different backgrounds, different cultures, different countries may not appreciate it.

If they are coming here, one of the great things about this country is assimilation. And so that's why I would require a study of civil institutions, and our governmental structure among them, for those individuals.

Next, people talk about a particular fine, and I don't know what that number would be, but I understand that to be appropriate.

Now, under those circumstances, what would I say they have?

Would they go to permanent resident status?

No. I would create a new category of legal status in this country called a blue card or red card, whatever you want to call it, in which they would, for a period of time, maybe 3 years, maybe 5 years, but they could repeat it, they could re-up this. During that period of time they would have legal status in the United States. They could work in the United States, live in the United States, go to school in the United States, but they would not be on the road to citizenship. In order to do that, they would have to have a touch-back in their home country, and they would get in line behind everybody else.

Now, why do I think that's important?

I think at the base of the objection to amnesty, as I understand it, is this idea that it is unfair to cut in line. If you're a kid and you're at school and you're waiting in line to get a drink of water, you're waiting in line to go to the bathroom, you're waiting in line to get your lunch, and you see somebody cut in line, you immediately know that's not fair. We all know that's not fair to cut in line.

So why should someone who didn't follow the law cut in line in front of those who have waited in their own country for their opportunity to come to the United States?

So my sweet spot in this particular argument would be that, while you have an ability to remain in the United States, in order to get on the path to citizenship, and not give you an advantage over somebody else from your home country, you must touch back in your home country and you must get in line behind everybody else who followed the law.

I think that is an approach that at least ought to be considered. I'd hoped to be here in the next Congress to be able to raise that and to fight for it and to see how others would view it, but I won't have that opportunity. I hope to be on the outside, and whatever I do, to have a chance to continue to influence the debate, following whatever the lobbying rules are. I know I can't directly lobby, but hopefully, as an American citizen I can talk about those issues in that first year, and I can talk about why it's important for us as a country.

And yes, I've said in our own conference, it's important for us as a party, my party, the Republican Party. We have to understand the dynamics that are involved there. I've seen it happen in my home State. I've seen what the political implications are, and I think we ought to pay attention to them.

But, beyond that, far more important than that, far more fundamental than that is the fact that this country has to confront this issue in a reasonable fashion, in an intelligent fashion, and in a fashion that improves the state of this country.

So I know there are men and women of goodwill in this House and in the Senate who will and can work together. I would make a humble request of the President of the United States, that he toss aside partisanship, and that he join those Members in the Congress and those of us who will be in the public, out in the public, in an effort to try and deal with this issue.

With all due respect, when the President of the United States went down—I think it was to El Paso—a couple of years ago and said Republicans want to build a fence, and then they want to build a moat, and they want to put alligators in it, that is hardly an invitation to cooperate.

That image, in and of itself, when you realize the history of the Rio Grande, and when you realize the history of people coming across the Rio Grande to this country, that image is devastating. It does not open people's hearts to the possibility of reaching a compromise. It drives people away.

And so my hope would be that the President would, as Ronald Reagan did in the 1980s, work with those who are in the House and the Senate to try and come up with a compromise that deals with the issues of this day under the grand rubric of immigration, and that, putting aside partisanship and political advantage, work in good faith with Members of the House and Senate to accomplish this task.

□ 1610

And I would ask this: that those in this House and those in the Senate and those in the administration under the direction of the President begin working on this early, not late. If the work is done early, as we did in 1985, the chances of being able to actually accomplish a completed legislative vehicle and have it on the President's desk for signature are greatly enhanced. Don't wait until it's campaign year politics and certainly don't wait until it's the next Presidential election year for politics. Try and work on it now.

This country is lesser for the fact that we haven't dealt with an issue of this importance. This country is lesser for the fact that we have all the tensions that exist as a result of a failure of the law to respond to the realities of the time. And we put ourselves in a conundrum where, in just one instance, I would cite men and women in the farm community in my home State of California who have farmed for generations and have seen the reality of the labor market for agriculture—our men and women who are patriotic and love this country and want to follow the law, who in fact would support an E-Verify system which would allow them the certainty of having legal workers but who on the other hand recognize the need for foreign workers—these people would be put into a no-win situation, a

catch-22, where on the one hand they would be forced to follow the letter of the law, knowing that they would not have the workers that would allow them to continue in the generation's old farming business that they have or, on the other hand, as patriotic Americans in their own way, nonetheless be forced to break the law in order to retain their livelihood. That's unacceptable. That is shortsighted. That is self-defeating. And it is something that we should not allow.

Now it's easy to get up here and do a Special Order and talk about how I would solve the problem. It's much more difficult to have a completed solution to a problem. And I understand that. I in no way suggest that this is easy or it will come quickly. But I do believe we have men and women of goodwill, of patriotic hearts, who can and are prepared to work on this issue. And I would hope that the President of the United States, now almost in his second term, would understand the seriousness of the issue, the immenseness of the challenge facing us, and would understand that in the best interest of the United States it would behoove us to work together to solve the problem. I'm not sure what I'm going to do be doing in the next year, but I do know that I want to be involved in the debate, and hopefully I can applaud my colleagues that remain here as they succeed in dealing with this very difficult problem.

So, Mr. Speaker, I thank my colleagues for listening to me and I encourage my colleagues to deal with this issue in the spirit of goodwill that I know they have.

I yield back the balance of my time.

RIGHTING THE WRONGS IN AMERICA

The SPEAKER pro tempore (Mr. BARLETTA). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. It's uplifting to hear my friend, DAN LUNGREN from California. What an amazing public servant he has been. I fought battles with the man. I know his heart. And he's going to be sorely missed. He cares so deeply about this country.

Such is the lot of people whose country has leadership decided by elections. Sometimes good things happen, sometimes they don't. But democracy ensures that a people are governed no better than they deserve. So whether someone liked President Reagan or President George H.W. Bush or President Bill Clinton or President George W. Bush or President Barack Obama, the truth is that at the time they were elected President, we as a Nation overall got the President we deserved at that time.

One of the most impressive speeches I've ever heard was given by Senator Barack Obama at the Democratic Convention. And I love the way he talked about America, coming back as one America. Not a red America or a blue America, but America. Just one country. And it was one of the things that I drew great hope from on 9/12/2001 as people around the country gathered around, as we did in our local east Texas town, and people of all races and ages and gender, and we all held hands and we sang hymns and patriotic songs. And I looked around the circle and was deeply moved because I knew that day there were no hyphenated Americans, there were just Americans. And we were together. And everybody standing there in that square holding hands, we shared the love for our country. We wanted to see it strong. We wanted to see it recover from that devastating blow from people intent on evil, based on hatred.

That senator that wanted one America has presided in such a way that we seem more divided than ever—more people on food stamps, more people below the poverty level, more people struggling than ever before. We were told if the $900 billion giveaway stimulus proposal—porkulus some called it—if that was passed, we would be recovering very quickly. And if we did not pass that stimulus, porkulus, whatever you want to call it, if we didn't pass that bill in early 2009, the country might well reach unemployment rates as high as 8, 8.5 percent, as I recall. Well, guess what? We passed it and things got worse. It was a terrible bill. It was not the way you fix an economy in danger, suffering.

□ 1620

What's so tragic right now, Mr. Speaker, is how many people across America are struggling, out of work. I'm not just talking manual laborers or older workers, I mean all ages, well-educated, poorly educated. We've got people out of work around this country that are really in desperate straits. Some take different approaches. I was shown numbers that indicated at one point that when people are unemployed, many of them will look full time for employment, for substitute employment, but on average may have 30 minutes a week—for an average—until the last 2 weeks of the unemployment benefits, and at that time it may go as high as an average of 10 hours or so of the last 2 weeks looking for employment.

This President is demanding that we extend unemployment benefits for another year for those who have been unemployed for a year. We also know that in his JOBS Act—it was really a JOBS Act for lawyers because they created a new protected class called the unemployed; so that if you had been unemployed for 2 years and you go apply for a job and the employer looking for a worker considers the fact that you didn't look for a job for 2 years and instead hired somebody that had been out of work for a month and was desperately spending all his or her time looking for employment, if you considered the fact that somebody had been unemployed, how long they had been unemployed, then you would be sued under the President's proposed bill.

So it was going to be a great boon to trial lawyers, to plaintiffs' lawyers because they would be suing on behalf of every unemployed worker who went and looked for a job for the first time in a couple of years. I mean, you could have that kind of scenario, not look for a job for a year or two, go look for a job, and then turn your case over to a lawyer to sue anybody that didn't hire you because you didn't show any particular motivation, and most employers want motivated employees.

So we know that the President has made this proposal; he wants to extend unemployment for another year. Just to show what a worthless organization—they're smart people; they're very good people; they're a good organization, but their rules are so pitiful, so unrealistic, so unmoored to the foundation of good economic projections—we have the Congressional Budget Office, CBO. They come in, and apparently—I was reading an AP story. I didn't see the CBO numbers themselves, but the story said that, according to CBO projections, extending unemployment for another year for those that have been unemployed for a year now would cost $30 billion. But the great thing is that $30 billion of paying people to remain unemployed would create 300,000 jobs. So what a great thing for America, for our economy if you spend $30 billion and create 300,000 jobs. Until you start looking at the numbers and you go, Wait a minute. Wait a minute. We're spending $30 billion. We're told if we do that it will create 300,000 jobs? Well, that's not very smart. That's $100,000 that we would be spending for every job we create.

What kind of math is being utilized by the White House and by CBO? I mean, how stupid are Americans? Oh, yeah, great idea. Let's let the government spend another $100,000 to create one job that may not be but a part-time job, pay $20,000 or so. Well, I'll bet if we offered people across America, made an offer, we want to create 300,000 jobs this month and so we're looking for bids. Who will come to work for less than $100,000? I'll bet you would get 300,000 people working very quickly for a whole lot less than $100,000 a job.

So that kind of math is what has gotten us in trouble. It's why we need an alternative to CBO scoring that deals realistically with what we're engaged in, because it's only when we have a scoring system for bills that is wedded to legitimacy and historical reality that we will begin to have better legislation. Because when you have a group that has such ridiculous rules to score bills that it will come in and say ObamaCare, yes, it will cost $1.1 trillion, and then they have their Director called to the Oval Office and reminded, apparently, that the President promised it would cost less than $1 trillion

and they rescore it and come back with $800 billion—with a wink and a nod, apparently—and then after it passes, they come back and say, Oh, you know what, it was actually more than a trillion. Now we're told maybe $1.6 trillion—who knows, 1.8, maybe 2.0. Who knows. But any entity whose margin of error for scoring bills in Congress is plus or minus 100 percent margin of error does not need to be allowed to do any more scoring. We need to do a competition of it. It's what Americans do well. When we compete as a nation, when we have people in America competing, we do better. So let's have competition for scoring bills.

I was having a wonderful discussion with one of the best economic minds in the country, Arthur Laffer, and I said I was hoping that maybe we could get someone else to score bills—Moody's, S&P, others. My office had checked with Moody's. They said they don't score bills. He said, They will if you pay them, and I bet you you could get it done for a whole lot less than what it cost to keep CBO going.

So think about that. We start having a competition for scoring bills so that we can get legitimate bills, not one where America is promised it will cost $800 billion only to find out it's going to be more than twice that amount even before it really comes into fruition. We need competitive scoring. Then, over a few years of time, we will begin to see who's more accurate and who's not. We will be able to score the scorers. Because until that time, we will continue to limp along and have ridiculous mathematics like CBO telling us that ObamaCare will cost $800 billion and shortly later coming back and saying it's probably going to be $1.6 trillion. A margin of error of 100 percent is intolerable. It's time for a different means of scoring.

Let's have competition. I think that you would end up having some of the universities in the country have their—whether it's economic or finance departments. Texas A&M has a great department that does a lot of projections and calculations. I know there are schools around the country that do that. We could make a competition. And the better you are at scoring, perhaps the more you get paid for scoring bills because you're more accurate. Make it a competition. Because in the meantime, having an entity that scores bills, that is used to condemn a bill or raise a bill to the heights, is bringing us down to economic ruin. It's one of the little parts of the puzzle that needs fixing.

□ 1630

So we have a President who continues to be vague on what he will accept to avoid what people are calling the fiscal cliff. Well, I might remind people that the fiscal cliff was gone over in August of 2011. Some have already forgotten. We were told if we didn't have a debt ceiling increase by August 2, we were going over the financial cliff. It was financial Armageddon. Everything would melt down. It was all going to be just this horrible financial melee. It was a disaster. We could not allow ourselves to get to August 2 without having a debt ceiling increase.

Some of us made proposals, and we took a look at what was being proposed. And we said, Are you kidding, a supercommittee? That's not going to do any good. They will never be allowed to reach an agreement. Some of us were told, Well, of course they'll reach an agreement because if they don't, there will be these massive amounts of devastating cuts to our defense and devastating cuts to Medicare. They'd never allow $300 billion or so to be cut from Medicare on the other side of the Capitol here. And I reminded my friends they just cut $700 billion from Medicare for ObamaCare.

This President and the Senate were pitting our seniors against younger workers in America. They're pitting our seniors on Social Security and Medicare against younger workers. What kind of President, what kind of party, what kind of Senate does such a thing? Why would you pit younger workers against our seniors? But that's what occurred with the debt ceiling bill.

That's what occurred with the 2 percent cut to the Social Security tax. It sounded like a great idea, and now we find out 2 years later, actually, that 2 percent reduction in the amount of money that workers pay into Social Security, it was a very small amount, relatively speaking, to the amount of debt the United States and workers are having to run up because of the poor economy.

But we were told, Oh, it may save them $60, $80 a month. It may be such a great thing. And yet $60, $80—as important as that is to any individual worker—meant that last year, for the first time, the Social Security taxes coming in did not cover the Social Security checks going out. It meant that this administration pushed through a bill with Leader REID down in the Senate pushing the way for it. It meant that seniors' checks were not covered by the Social Security taxes being paid by at least 5 percent.

There were projections then that it was a 5 percent shortfall last year, and this year it's going to be a 14, 15 percent shortfall. That wasn't supposed to happen for several years. Republicans and Democrats were debating in years past—since I've been here in the last 8 years—about how, no, that wouldn't happen until 2018. Others said, no, that won't happen until 2048. Well, it happened last year in 2011. The money coming in from Social Security tax did not cover Social Security payments. And so what's the proposal by this President and Leader REID? It's, let's gut Social Security even further. Let's make it bankrupt even quicker.

Listen, what's going on? I know we all have the goal of making America stronger, but we're seeing that what is happening is hurting the economy. It's making America weaker. And for all of the talk this fall about, gee, we may have turned the corner economically if it weren't for our czar, the Federal Reserve czar, Bernanke, creating money out of thin air, then the economy would be even worse than it is today. But I think the President owes Mr. Bernanke a great thank you for helping him win reelection by creating so much money out of nothing.

But the trouble with that is next year Americans will pay a very severe price, as we see inflation start to take hold. But the President, Mr. Bernanke, they knew that that inflation wouldn't really kick in now before the election. So it helped him win reelection. And then we would get into next year, and then the inflation would start kicking in. And then with a poor economy and inflation, we're back to the end of the Carter years.

And with the President having cut the permits down in half for drilling on Federal land from what they were under the Bush administration, he was able to receive the benefits of the permits done during the Bush years so he could say, Look, we're producing more on Federal land. Isn't that great. Well, yes, but now we're going to start seeing the consequences of cutting in half the number of permits during the Obama administration's first term; and there will be a price to pay in our energy costs over the next 4 years.

We hear people saying over and over and over again Americans must pay their fair share. The rich must pay their fair share. Everyone must pay their fair share. And on that, I am in 100 percent agreement with our President, with Leader REID at the other end of this building, with my friends across the aisle, the Democrats here who want everybody to pay their fair share. I'm in 100 percent agreement. We absolutely should do that, make everybody pay their fair share.

You know, lots of folks use the metaphor, Let's make sure everybody has some skin in the game. Well, if you really want to have everyone pay their fair share, there is an easy answer; and, fortunately, it would drive this economy to brand-new heights. It would drive this country and our economy to a new economic renaissance. It would be incredible. And all of our friends around the country who are suffering, who don't have even $3 a gallon to pay for gasoline, it would help them when they can't handle the rent going up and the groceries going up. It would help them as we saw the economy become more vibrant because after 4 years, if Tim Geithner were really honest, he would come forward and say, as Secretary of Treasury Morgenthau did in 1940 when he wrote:

> We have spent more money than any country in history, and we have nothing to show for it but more debt.

That's what a Secretary of the Treasury who wanted to be honest would say after 4 years of the most incredible

spending beyond anything that Secretary Morgenthau, under Roosevelt, could have ever dreamed.

Well, here's a good answer. When you hear the term ''fair share,'' think flat tax. You want people to pay their fair share, make a flat tax.

Now, the President has had his friend Warren Buffett, one of many of the megarich in this country—in fact, the megarich Wall Street apparently support the President four to one over Republicans. It's one of the great, amazing misconceptions in America. Wall Street executives and their spouses donate four to one to Democrats over Republicans. So I would like to see the fat cat Democrats and the fat cat Republicans all pay their fair share. I'm tired of hearing Warren Buffett say he doesn't pay as much a rate as his secretary and he wishes the rich were taxed more.

□ 1640

What hypocrisy is that? Holy cow. It's really easy. We've made it easy. Just write the check to the U.S. Government, IRS, however you want to. We'll cash it however you want to write it.

You want everybody to pay their fair share? Let's pay taxes at a flat tax rate. The great thing about a flat tax is when you make more, you pay more; when you make less, you pay less. The other thing about a flat tax, it doesn't just need to be a flat tax on income; it ought to be a flat tax across the board.

Some think there should be no deductions. I'm in favor of two. A brilliant mind, even though he went to Harvard, Arthur Laffer, has an idea, and he's talking in terms of two good deductions: a mortgage interest deduction and charitable deductions. Frankly, I don't want to see a cap on charitable deductions, because that plays right into this administration's desire to have government be the end-all, be-all charity, even though as we've seen from Katrina under a Republican administration and we've seen from Sandy under a Democratic administration, the Federal Government is not the best answer for getting help quickly enough to people. It was the private sector that got gas, water, and help most quickly to people who suffered from Hurricane Katrina and from Hurricane Sandy. But a proposal to cap charitable contributions as deductions would end up killing charities and forcing people to come begging, Oh, please, government, would you please give me a morsel, give me another crumb. So whichever party happens to be in power gets more power, Republican or Democrat, we've got to stop that cycle of dependency. We have got to help people reach their God-given potential.

When you hear about fair share, you want an equal percentage tax, let's have one for Warren Buffett and the same rate for his secretary. Let's make the income tax, the corporate tax, the capital gains tax, the gift tax, the estate tax, let's just make them all 15 percent across the board. I'll never have a problem with an estate tax, but it is outrageous to make people sell the family farm or sell the business or get in hock up to their ears for something their parents have worked a lifetime to build up. People like Warren Buffet, the ultrarich, they're not going to have to worry about the estate tax because they're able to pay megabucks for lawyers and brilliant financial analysts to come up with a way—usually involving life insurance and different things—to take care of their estate tax. So it's not the megarich.

When people say they're going after the rich fat cats, England did that in 2009. An article last week pointed out that in 2009, England increased to 50 percent, in addition to all the other taxes they have, the tax against people making 1 million pounds or more, and that next year England went from having 16,000 people who were making 1 million pounds or more a year to 6,000. They dropped from 16,000 people making more than 1 million pounds a year to 6,000. That's an incredible drop, a two-thirds loss. So there was no additional income made—or, it's not made—it's taken. There was no additional income taken by raising the taxes on the rich because they're too elusive to nail down.

So you might as well set up a system that doesn't keep punishing the middle class. The truth is, when you raise taxes on the ultrarich and you keep spending to match that—and actually this administration and some friends in this Congress want to keep raising the amount we spend instead of getting realistic. When you keep doing that, what you hurt is the middle class. They're the ones that suck it up because the middle class—when you work at a store or a factory or a mechanic's garage, any of the places that the middle class work, when you work there, you can't just pick up your factory if you're a worker and move wherever you want where the taxes are less. The owners of the factory can, they can move. They don't have to pay the higher tax. The workers can't. As you see what happened in England, when that happens everywhere, when you raise taxes on the ultrarich, they move because they can. And who has to suck up all that extra money that has to be provided for, that the government doesn't have? It's the middle class that does.

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

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 5, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8568. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2009-0644; FRL-9366-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8569. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of September 30, 2012; to the Committee on Armed Services.

8570. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2012-0619; FRL-9754-9] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8571. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2011-0363; FRL-9355-9] (RIN: 2070-AJ89) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8572. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Consumer Products Regulations [EPA-R03-OAR-2012-0797; FRL-9755-2] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8573. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Florida; Regional Haze State Implementation Plan [EPA-R04-OAR-2010-0935; FRL-9755-8] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2011-0492; FRL-9757-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; City of Albuquerque-Bernalillo County, New Mexico; Interstate Transport Affecting Visibility and Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2008-0702; FRL-9755-5] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8576. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

(SJVUAPCD) [EPA-R09-OAR-2012-0267; FRL-9730-3] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8577. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD) [EPA-R09-OAR-2012-0252; FRL-9737-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8578. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO [EPA-R05-OAR-2007-1102; EPA-R05-OAR-2008-0782; FRL-9753-7] received November 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8579. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2012-0396; FRL-9753-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8580. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of New Mexico; Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2009-0050; FRL-9755-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Section 128 and 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards; Correction [EPA-R04-OAR-2011-0809; FRL-9754-5] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8582. A letter from the Assistant Regional Director, USFWS; Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska — 2012-13 and 2013-14 Subsistence Taking of Wildlife Regulations [Docket No.: FWS-R7-SM-2010-0066] (RIN: 1018-AX33) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8583. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery off the Southern Atlantic States; Snapper-Grouper Management Measures [Docket No.: 120403249-2492-02] (RIN: 0648-BC03) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8584. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Rule Extension [Docket No.: 120316196-2195-01] (RIN: 0648-BB89) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8585. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2006 Consolidated Highly Migratory Species Fishery Management Plan; Amendment 4 [Docket No.: 080603729-2454-02] (RIN: 0648-AW83) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8586. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; Announcing OMB Approval of Information Collection [Docket No.: 120614172-2395-01] (RIN: 0648-BC29) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8587. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Standard Mileage Rates [Notice 2012-72] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8588. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tier 2 Tax Rates for 2013 received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself and Mrs. MALONEY):

H.R. 6628. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Mr. WALZ of Minnesota (for himself, Ms. MCCOLLUM, and Mr. WOMACK):

H.R. 6629. A bill to improve the training of child protection professionals; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 6630. A bill to require that the members of the Armed Forces and civilian employees of the Department of Defense who were victims in the attack that occurred at Fort Hood, Texas, on November 5, 2009, and the family members of those victims be accorded the same treatment, benefits, and honors as were accorded the victims of the September 11, 2001, terrorist attacks on the United States and the family members of those victims; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 6631. A bill to provide energy crisis relief to residents of the Virgin Islands; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 6632. A bill to amend the National Voter Registration Act of 1993 to modernize State voting systems by allowing for increased use of the internet in voter registration, and for other purposes; to the Committee on House Administration.

By Mr. WITTMAN (for himself, Mr. FORBES, Mr. RIGELL, Mr. SCOTT of Virginia, Mr. WOLF, Mr. MORAN, Mr. HURT, Mr. CONNOLLY of Virginia, Mr. GRIFFITH of Virginia, Mr. COURTNEY, and Mr. GOODLATTE):

H. Con. Res. 143. Concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

By Mr. WOLF (for himself, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. CULBERSON, Mr. ADERHOLT, Mr. CRAVAACK, Mr. BROOKS, Mr. WITTMAN, Mr. DUNCAN of South Carolina, Mr. GRIFFIN of Arkansas, Mr. MEEHAN, Mr. POSEY, and Mr. KING of Iowa):

H. Res. 824. A resolution establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

300. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 39 supporting the use of a portion of federally generated seafood product import revenues for domestic marketing and promotion of California fish and seafood; to the Committee on Agriculture.

301. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 31 requesting the Congress and the Department of Defense to remain committed to maintaining the 144th Fighter Wing and the Aerospace Control Alert mission in California; to the Committee on Armed Services.

302. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Federal Housing Finance Agency to immediately allow the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to offer principal reductions to homeowners; to the Committee on Financial Services.

303. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; to the Committee on the Budget.

304. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

305. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equity and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

306. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

307. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 44 recognizing September 2012, and each September thereafter, as Sickle Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

308. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

309. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

310. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling for the Congress to quickly pass the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

311. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling the Congress to quickly pass the Gulf of Faralloens and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

312. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

313. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equality and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

314. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

315. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

316. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

317. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; jointly to the Committees on the Budget and Armed Services.

318. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 35 urging the President and the Congress to restrict the transshipment for waterborne export of coal for electricity generation to any nation that fails to adopt rules and regulations on the emissions of greenhouse gases; jointly to the Committees on Energy and Commerce and Foreign Affairs.

319. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 30 memorializing the President and the Congress to enact appropriate legislation that would add comprehensive, preventative dental care coverage to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 6628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 1, which reads: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excise shall be uniform throughout the United States;

Article 1, Section 8, Clause 18, which reads: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WALZ of Minnesota:

H.R. 6629.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. CARTER:

H.R. 6630.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8, cl. 12

By Mrs. CHRISTENSEN:

H.R. 6631.

Congress has the power to enact this legislation pursuant to the following:

''Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.''

By Mr. MORAN:

H.R. 6632.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States grants Congress the authority to enact this bill.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1695: Mr. MICHAUD.

H.R. 2082: Mr. DAVIS of Illinois.

H.R. 2705: Mr. MICHAUD.

H.R. 3159: Mr. SCOTT of South Carolina.

H.R. 3713: Mr. DEUTCH, Mr. RIVERA, and Mr. ENGEL.

H.R. 4120: Mr. GENE GREEN of Texas, Ms. BORDALLO, and Mr. ELLISON.

H.R. 4322: Mrs. BLACK and Mr. STIVERS.

H.R. 5742: Ms. DEGETTE.

H.R. 5822: Mr. SCOTT of South Carolina.

H.R. 5991: Ms. DEGETTE.

H.R. 6128: Mr. GUTIERREZ, Mr. CAPUANO, and Mr. MORAN.

H.R. 6200: Mr. HONDA.

H.R. 6322: Mr. ROSS of Florida.

H.R. 6412: Mr. VAN HOLLEN and Mr. CURSON of Michigan.

H.R. 6443: Mr. WEST, Mr. MICA, Mr. ROONEY, Mr. NUGENT, Mr. WEBSTER, Mrs. ADAMS, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. STEARNS, Mr. CRENSHAW, Mr. POSEY, Mr. SOUTHERLAND, and Mr. MACK.

H.R. 6448: Mr. GEORGE MILLER of California.

H.R. 6511: Mr. FORBES.

H.R. 6567: Mr. SCOTT of South Carolina.

H.R. 6575: Mr. LATHAM.

H.R. 6587: Ms. WATERS, Mr. HUNTER, Mr. BECERRA, Mr. CAMPBELL, Ms. CHU, Mr. DENHAM, Mr. GARAMENDI, Ms. HAHN, Mr. HERGER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, and Mr. WAXMAN.

H.R. 6598: Mrs. BLACKBURN.

H.R. 6606: Ms. PINGREE of Maine.

H.R. 6625: Mr. KLINE.

H.J. Res. 81: Mr. BOREN.

H.J. Res. 90: Mr. PERLMUTTER.

H. Con. Res. 141: Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. KEATING, Mr. ELLISON, and Ms. ESHOO.

H. Res. 134: Mr. GONZALEZ and Mr. DAVID SCOTT of Georgia.

H. Res. 220: Mr. CONYERS.

H. Res. 298: Mr. QUIGLEY.

H. Res. 760: Mr. PASTOR of Arizona and Mr. REYES.

H. Res. 818: Mr. NUNNELEE.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, DECEMBER 4, 2012 No. 154

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Lord of light and glory, bend Your ears to hear our prayers. Lord, deep inside we long to be a part of something bigger than ourselves. Give our lawmakers the wisdom to discover Your purposes and the courage to obey Your commands. Lord, teach them to promptly make right decisions and to resist the temptation to waste the currency of the faith and trust of the American people. As they follow Your providential leading, may our Senators strive to be instruments of Your glory. Use them, Lord, to do Your will on Earth even as it is done in Heaven. Into each dark and trying hour, send the illumination of Your mercy and grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will proceed to executive session to consider the disabilities treaty. The time until noon will be equally divided and controlled between Senators KERRY and LUGAR, the managers of this treaty, or their designees.

At noon there will be a rollcall vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

I have a number of requests. We don't do treaties often, and our requests from Senators on both sides of the aisle have suggested, and I think they are right, that because this is a treaty, the votes will take place from our desk today. Everyone should be on notice, they should be here, and we will vote from our desks.

Following the vote, the Senate will recess to allow for the weekly caucus meetings.

Additional votes on the National Defense Authorization Act are expected during today's session.

MEASURE PLACED ON THE CALENDAR—H.R. 6429

Mr. REID. Mr. President, I am told there is a bill, H.R. 6429, due for a 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 (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. The objection is heard.

The bill will be placed in the calendar.

FISCAL CLIFF

Mr. REID. Mr. President, it has been almost 3 weeks since we all met with the President to avert that fiscal cliff we hear so much about. Yesterday, after weeks of delay, and as the days dwindle and taxes are set to go up for millions of families and businesses, Republicans in the House finally showed up at the negotiating table.

Now we know why they have been holding their cards so close to their vests. Their proposal would raise taxes on millions of middle-class families. Their plan is to raise $800 billion in revenue by eliminating popular tax deductions and credits that would reach deep into the pockets of middle-class families. Republicans are so intent on protecting low tax rates for millionaires and billionaires, they are willing to sacrifice middle-class families' economic security to do so.

In the first year, unless we do something, middle-class families; that is, people making less than $250,000 a year, will get an average of $2,200 in additional tax, taxes they will have to pay.

Their proposal that we received yesterday was short on specifics, but we do know from independent analysis that it is impossible to raise enough revenue to make a dent in the deficit

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

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without using one of two things: raising tax rates on the top 2 percent or raising taxes on the middle class.

As my friend, the senior Senator from Missouri, said on the Sunday talk shows, the Speaker has to make a decision whether it is more important to keep his job or to do something about the economy that is in such difficult shape in America. He has to make a choice.

The nonpartisan Tax Policy Center called it mathematically impossible to reduce the deficit and give more tax cuts to the rich without harming the middle class. This is the same thing President Clinton talked about so often during the campaign, saying to everyone it is arithmetic.

As usual, given the choice between millionaires and billionaires and the middle class, Republicans again sided with the wealthy of this country. In fact, their plan doesn't just keep rates low for the richest 2 percent, it actually lowers them further. The Democrats' plan would protect 98 percent of families and 97 percent of small businesses from painful tax increases by asking the top 2 percent to pay a little bit more to reduce the deficit.

The Republicans' plan, on the other hand, is more of the same. Not only does it balance the budget on the backs of the middle class, it voids our promise to seniors with steep cuts to Social Security and Medicare, all to pay for even more handouts to the rich.

At least we now know where they stand. Republicans have sought cover by invoking Erskine Bowles' name, but he has disavowed their plan in no uncertain terms. We are glad to finally see Republicans joining in the negotiating process instead of watching from the sidelines.

While their proposal may be serious, it is also a nonstarter. They know any agreement that raises taxes on the middle class in order to protect more unnecessary giveaways to the top 2 percent is doomed from the start. It will not pass.

Democrats would not agree to it. President Obama wouldn't sign such a bill, and the American people would not support it. That is in all the polls that are in at press this morning.

The American people are tired of budget-busting giveaways to the wealthiest few people who have enjoyed growing paychecks and shrinking tax bills for more than a decade. The American people want a balanced deal. Simple math dictates that a balanced deal must include higher taxes on the richest of the rich. Republicans would be wise to keep that in mind as negotiations move forward.

We are willing to compromise, but we also will not consign the middle class to higher tax bills while millionaires and billionaires avoid all the pain.

I have been told the leader of the Democrats in the House will file today a discharge petition asking the Speaker to bring the bill to the floor. All Democratic House Members, as far as I know, every one of them will sign this discharge petition.

We have heard Republicans in the House who are willing to move forward. If every Democrat signs this, we will only need about 25 Republicans to join. The American people should see that picture. With 25 Republican votes—25 Republican votes—middle-class America would be able to rest assured that they will not have a tax increase at the first of the year. Twenty-five Republicans is all it would take.

RECOGNITION OF THE MINORITY LEADER

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

LIMITING THE RIGHT TO DEBATE

Mr. MCCONNELL. Mr. President, during the past couple days, we have discussed the plans of the Democratic majority to make the Senate more ''efficient'' and to do it by breaking the rules of the Senate. It is what my Senate colleagues roundly criticized during the Bush administration as ''breaking the rules to change the rules.'' It is something Senate Republicans thought about but wisely chose not to do.

The Senate has two great traditions, two great rights of Members and, by extension, the citizens they represent; the right to amend and the right to debate.

Yesterday and last week I talked about the first of these great Senate rights and how the Democratic majority has sought systematically to marginalize the minority in its exercise of this right.

I noted how the Democratic majority has bypassed committees to an unprecedented extent, how it has blocked members of the minority and members of the majority, too, from offering amendments on the Senate floor before cloture is invoked and how, when that didn't shut out the minority, the majority used a bare majoritarian means to change Senate procedure to bar the minority from offering motions to suspend the rules after cloture was invoked.

This systemic effort to marginalize the minority stands in stark contrast to the trend in the House under the Republican majority. It has allowed the minority in the House more chances to amend legislation on the House floor than existed under previous majorities.

In fact, according to the Wall Street Journal, last year, the House held more votes on amendments on the floor than it did during the 2 previous years combined, when congressional Democrats were in the majority.

When one compares the amendments and the motions voted on in the House this year with those voted on in the Senate, as the nonpartisan Congressional Research Service has done, the difference is truly startling. The House minority has been able to offer 214 such motions and amendments, compared to only 67 for the Senate minority, which is more than three times as many motions and amendments, but the minority in the House has had three times as many votes as the minority in the Senate. In terms of protecting the right of the minority to represent their constituents through amendments on the floor, the House is becoming more like the Senate used to be, and the Senate is becoming more like the House used to be.

But what about the second great right in the Senate, the right to debate? How has the exercise of this right fared under the Democratic majority? The short answer is not so great. The filing of cloture under the Senate rules is the beginning of the process to end debate, and the wielding of this powerful tool is in the hands of the majority leader. If one wants to simply equate the filing of cloture, if one wants to equate the filing of cloture with a filibuster, there is the potential for the majority to generate a lot of filibusters with a quick trigger on the cloture motion.

My friends on the other side of the aisle have painted a picture where cloture filings are needed to overcome an obstinate minority. Cloture is needed, so we are told, because of Members of the minority who refuse to stop delaying.

But does filing cloture on a matter, be it on a bill, an amendment or a conference report, on the very same day the Senate is considering that matter, indicate a minority that is prolonging debate or does it indicate a majority that is eager not to have a debate at all? To me, a habitual effort to file cloture on a matter as soon as the Senate begins to consider the matter indicates the latter.

What do the numbers show about the use of cloture by this Democratic majority? According to CRS, the current Senate majority has filed cloture on a matter—exclusive of motions to proceed to a matter—on the very same day it considered the matter three and a half times more often than the Senate Republicans did when they were in the majority.

According to CRS, Senate Republicans filed same-day cloture on a matter just 30 times in 4 years. The current Democratic majority has done so well over 100 times. Put another way, Senate Democrats are much more apt to try to shut off debate on a matter as soon as the Senate begins considering the matter than were prior majorities including, most recently, Senate Republicans.

The desire of my Democratic colleagues to shut down debate before it begins in these instances has nothing to do with overcoming resistance to the Senate taking up a bill because, as I have just noted, this analysis specifically excludes—excludes—same-day cloture filings on a motion to proceed.

It is not just the right to amend that has taken a hit under the Democratic

majority but the right to debate as well. All Senators and all Americans are disserved when these rights are systematically marginalized.

This is not the ''golden rule'' we were promised when the Senate Democrats assumed the majority in 2007—far from it.

Rather than continuing to diminish the great tradition to the Senate, rather than breaking the rules to change the rules, we need to strengthen those rights and traditions. As Senator Byrd noted, majorities are fleeting. One can wake after the first Tuesday in November and find oneself in the minority.

I say with respect, I hope our Democratic colleagues are mindful of that as we continue this discussion and are prepared not only to live under the rules they would change but to live with a precedent they would establish by making those changes.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it would be hard to travel to a university campus or to a chamber of commerce meeting or anyplace in the country, travel just to a supermarket and talk to people where they wouldn't all agree that the Senate is dysfunctional, has not worked well. To show how right they are is a statement made yesterday by JOHN MCCAIN.

Now, Mr. President, JOHN MCCAIN and I have had our political differences, but no one—no one—can quibble with the fact that JOHN MCCAIN is an American patriot. He was a Navy aviator shot down in Vietnam, spent years—I think it was 6½ or 7 years—as a prisoner of war, 4½ of those in solitary confinement.

He and I came to the House of Representatives together. I know how the House works. I served there. While I appreciate my friend the Republican leader giving me a minilecture on the House, I don't need one. I served in the House, and I know how the House works. And I know what JOHN MCCAIN said yesterday because I am reading a verbatim transcript from those proceedings, and here is what he said:

> . . . I apologize for what seems to have happened. Much to my dismay, it lends credence to the argument that maybe we ought not to do business the way we are doing here in the Senate.

That is a direct quote from JOHN MCCAIN.

As I said in my opening statement, I served in the House, and the reason I mentioned today in my opening statement about the discharge petition is that when I served there, under the leadership of Speaker O'Neill, Majority Leader Michel, and then Jim Wright and Michel, a Republican, there was no way they would ever consider doing a vote with the majority of the majority. They wanted to get 218 votes. That is what they did on reforming Social Security; that is what they did on virtually everything—get Democrats and Republicans together and get 218 votes.

And that is the challenge I gave to the Speaker today, Speaker BOEHNER. Let the House vote. One Republican House Member suggested that more than half of the Republicans in the House would vote for giving tax security to people making less than $250,000 a year. So I say, let's have Speaker BOEHNER call upon the Republicans in the House to add 25 or so votes to what the Democrats would do, and they would have 218 votes and we could go on to taking care of the fiscal cliff.

Mr. President, my friend protesteth too much. The Senate is broken, it needs to be fixed, and we need to change the rules. We change them all the time. Last year we changed the rules. Why? Because of what they were doing—the Republicans—just to stop and slow down everything. After two cloture votes—and remember that takes a long time, to file two cloture motions, a couple of days and then 30 hours. So after 60 hours, you would think the debate would be all over. Oh no. What they decided to do was to suspend the rules and have more votes. We put up with it for a while—a couple here, a couple there. I think the last time they had 15 or 16 motions to suspend the rules. That was enough. They overruled the Chair. They can't do that anymore.

What the Republicans have done is they have brought the Senate to its knees, and that is unfortunate. We need to be able to have the Senate operate the way it should operate, and we need to make sure people understand how dysfunctional we are and how we need to move forward.

They can say all they want about ''we need more amendments.'' Nobody criticizes having more amendments, but when we spend 9 or 10 days getting on a bill, we have wasted all that time. Nothing happens during that time. We do nothing here in the Senate. Everything comes to a standstill. Yet they complain because they do not have time to offer amendments.

RESERVATION OF LEADER TIME

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

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

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following treaty, which the clerk will now report.

The legislative clerk read as follows:

> Treaty Document No. 112–7, Convention on the Rights of Persons with Disabilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are now, as everybody knows, on the Convention on the Rights of Persons with Disabilities. It is my understanding that we have about 48 minutes for each side. I would ask the opponents of the treaty to do what we normally do, which is go back and forth from one side to the other. I notice there is no one here for the other side, so what we will do is use up a component of our time, and then, because they are not here, I think it would be fair not to chew up the time in a quorum call.

So I ask unanimous consent that if the opponents on the other side are not ready to speak or to use their time, that the quorum call be charged against them because I don't think we should give up our time as a result of their simply not being here. So I ask unanimous consent that if there is a quorum and we are not speaking, the time be charged to their side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, I believe the chairman has stated a fair position. On the other hand, in terms of our side, the Republican side, I wish to preserve at least the rights of our Members to have the maximum amount of time as possible. So I am inclined to believe the time should be charged equally against both sides.

Mr. KERRY. Mr. President, that is fine. I accept that. What I am trying to do is to use this debate period, important as it is, as effectively as possible on both sides.

I see there is a Member from the other side who is in opposition, so I withdraw my request, and I yield 10 minutes to the Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, may I ask what we just decided in terms of time?

Mr. KERRY. Mr. President, I would inform the Senator from Oklahoma that we have agreed to simply proceed, hopefully alternating from side to side. We have about 48 minutes on each side, and I have yielded 10 minutes to the Senator from Indiana.

Mr. INHOFE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Without objection, the quorum calls will be equally divided between the sides.

The Senator from Indiana.

Mr. LUGAR. Mr. President, as we all now know, the Senate will vote today on the Convention on the Rights of Persons with Disabilities. The United States has long been a leader in its treatment of those with disabilities. Becoming a party to the convention would provide an important platform and forum for the United States to continue this leadership.

We received strong expressions of support for the convention from a wide

range of groups who advocate on behalf of the disabled. This includes numerous veterans organizations representing those who have become disabled while serving our country in the Armed Forces.

An important factor in my decision to support the convention has been the testimony received by the Foreign Relations Committee that joining the convention will not require any change—and I emphasize that: will not require any change—in existing U.S. law or policies regarding treatment of the disabled.

In their statements before the Foreign Relations Committee, officials from the executive branch as well as former Attorney General Richard Thornburgh stressed that current U.S. law satisfies all obligations the United States would assume in joining the convention.

In order to underscore the importance of this point, the Foreign Relations Committee specifically addressed it in a declaration in the resolution of advice and consent. The declaration formulated by the Foreign Relations Committee reads as follows:

> The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

On a related point, the resolution of advice and consent also underscores that the convention will not be self-executing in U.S. law. This means its provisions are not directly enforceable in U.S. courts and do not confer private rights of action enforceable in the United States.

These provisions of the resolution of advice and consent establish important parameters for U.S. accession to the convention. They give effect to the intent of the Senate that joining the convention will not require any changes in U.S. laws and policies with regard to the disabled, either now or in the future, and will not provide a basis for lawsuits in U.S. courts. Such matters will continue to be governed solely by U.S. laws.

It is my hope these provisions in the resolution of advice and consent will provide assurance to Members who may be concerned that joining the convention could somehow confer new rights on disabled persons in particular areas or that the convention can be used to require the United States to change its laws or policies with respect to the disabled. With these provisions, the United States can join the convention as an expression of our leadership on disability rights without ceding any of our ability to decide for ourselves how best to address those issues in our laws.

The United States can play an important leadership role in helping countries around the world identify ways to expand opportunities for the disabled. I urge my colleagues to join me in supporting United States accession to the convention as a means of advancing this goal.

I would point out that many of us have visited with veterans—disabled veterans, as a matter of fact—in the corridors of the Capitol in the last 24 hours. They have expressed without reservation the fact that their lives would be enhanced in the event we were able to pass this treaty, because their treatment in other countries would improve as other countries adopt principles we have found useful as a practical means of helping the disabled.

I believe each one of us ought to be moved by the testimony of our veterans—veterans I have seen here in the corridors who have lost legs during fights on behalf of the United States of America. This is a serious issue and a humanitarian, thoughtful way. And I emphasize again and again, the United States joins with other countries, sharing our experiences of how we can improve treatment of the handicapped, with no possible provision in the treaty—and we have reserved this completely—that there could be any change in our laws.

I thank the Chair and I yield the floor.

Mr. KERRY. Mr. President, I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to make sure people understand there are different thoughts on this convention. It seems as though most of the time when the U.N. conventions or treaties come up that I have been opposed to them, and my concern always has been that of sovereignty. I do oppose the United Nations Convention on the Rights of Persons with Disabilities because I think it does infringe upon our sovereignty, establishing an unelected United Nations bureaucratic body called the Committee on the Rights of Persons with Disabilities and a Conference of State Parties. These unelected bureaucratic bodies would implement the treaty and pass so-called recommendations that would be forced upon the United Nations and the United States if the United States is a signatory.

We already have the 1980 act. We all remember that. We went through that a few years ago. I was here at that time. It is considered to be the gold standard for the disabled. We don't need the United Nations bureaucrats changing it in our country in the name of worldwide advocation.

While the Obama administration affirms that no changes to the Federal or State law will be necessary if the CRPD is ratified, the CRPD can be amended. The Senator from Indiana talked about the fact that there are no changes in this. But it can be amended by the bureaucrats and, therefore, require changes to U.S. law.

Further, the ability of the Committee on the Rights of Persons with Disabilities to investigate and recommend changes chips away at the ability of a sovereign nation in governing itself.

I know a lot of people feel that no idea is a good idea unless it comes from an international organization. I kind of fall at the other end of the spectrum. Specifically, the treaty could be used to interfere with the ability of parents with disabled children to decide what action is in the best interest of their children. This would especially affect those parents who homeschool their children.

I have a daughter—the runt of my litter, I say to the president—who is No. 4. Katie homeschools her children. She and I have talked about this, and this is very much a concern in that community, that unelected foreign bureaucrats—not parents—would decide what is in the best interests of the disabled child even in the home. No less than 40 organizations and tens of thousands of parents who advocate children and parental rights have written us, and me, specifically opposing the treaty.

The Home Schooling Legal Defense Fund writes:

> Article 7 of this treaty establishes the ''best interests of the child'' legal standard, which would override the traditional fundamental rights of parents to direct the education and upbringing of their child with special needs.

This could result in forcibly transferring a disabled child from the home to government-run schools if these unelected, unaccountable bureaucrats deem it necessary, even if the Senate puts reservations into this treaty.

I ask unanimous consent to have printed in the RECORD two letters, one from the HSLDA and one from the Concerned Women of America.

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

CONCERNED WOMEN FOR AMERICA
LEGISLATIVE ACTION COMMITTEE,
Washington, DC, July 16, 2012.

THE HONORABLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR, On behalf of Concerned Women for America Legislative Action Committee's (CWALAC) over 500,000 members, I urge you to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

CRPD is a feel-good attempt at limiting liberty for the United States abroad and at home. This treaty will hurt parents and caregivers of people with disabilities by subjecting them to UN oversight, regulations, and control. In doing this, a judge or other government official would be able to trump the parent's wishes when it comes to education of their child with disabilities.

While CWALAC is for protecting those with disabilities, Americans should be the ones making laws for America. If improvements are needed to the laws, that already are the leading examples of providing freedom and justice for persons with disabilities, it needs to be done within America's legislature. Like other United Nation treaties, this will open the door for infringing upon our sovereignty by subjecting the United States to foreign, anti-American biases.

Parents know what is in the best interest of their child, not the government or the United Nations.

CWALAC will include a vote against this treaty on our scorecard for the 112th Congress.

Sincerely,

PENNY YOUNG NANCE,
Chief Executive Officer and President.

HSLDA,
ADVOCATES FOR HOMESCHOOLING,
November 20, 2012.

Re Please Oppose the UN CRPD.

HONORABLE SENATOR: We the below-signed leaders from forty national organizations represent millions of Americans. We respectfully urge the United States Senate to reject ratification of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD).

We are troubled that article 7 of this treaty, in establishing the ''best interests of the child'' legal standard, would override the traditional fundamental right of parents to direct the education and upbringing of their child with special needs.

We are troubled that such a reduction in legal protection in cases of children with disabilities will create an atmosphere discriminatory against those children and their families.

We are troubled that New Zealand's Education Act of 1989, which has been held to conform to the CRPD, allows the Secretary of Education to force any child with special needs into government-run schools ''if the Secretary thinks [the student] would be better off.'' This transfers the right to direct a child's education from fit and loving parents to an officer of the State, in contravention of American tradition and the International Declaration of Human Rights. Yet it accords with this treaty.

We are troubled that accession to this treaty, despite assurances to the contrary, will lead to legal action against private individuals, as seen in the 2011 case of Bond v. United States. In this case, a woman was found guilty of violating the Chemical Weapons Convention Implementation Act, a federal law over a matter formerly of state jurisdiction, which was adopted as a direct result of the eponymous treaty.

We are troubled that accession to this treaty would place our nation under the scrutiny and review of an international committee unelected by the American people, thus violating the vital principle of American self-government.

For these and other reasons, we urge you: please vote against any effort to ratify the CRPD.

Sincerely,

Michael P. Farris President, ParentalRights.org; Phyllis Schlafly, Founder and President, Eagle Forum; Dr. Richard Land, President, Ethics & Religious Liberty Commission, Southern Baptist Convention; Morton Blackwell, Chairman, The Weyrich Lunch; Tom McCluslry, Senior Vice President, Family Research Council Action; Tom Minnery, Executive Director, CitizenLink; Penny Young Nance, President and Chief Executive Officer, Concerned Women for America; Matt Staver, Founder and Chairman, Liberty Counsel; Erick Erickson, Editor, RedState.com; Mike Needham, Chief Executive Officer, Heritage Action for America; Austin Ruse, President, Catholic Family and Human Rights Institute (C-FAM); William J. Murray, Chairman, Religious Freedom Coalition; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America; Gary A. Marx, Executive Director, Faith and Freedom Coalition; Al Cardenas, Chairman, American Conservative Union; J. Michael Smith, President, Home School Legal Defense Association; Janice Shaw Crouse, Ph.D., Senior Fellow, Beverly LaHaye Institute; Deryl Edwards, President, Liberty Counsel Action; Dr. Jim Garlow, Chairman, Renewing American Leadership Action; Jeff Gayner, Chairman, Americans for Sovereignty.

Mandi Campbell, Legal Director, Liberty Center for Law and Policy; Matt Smith, President, Catholic Advocate; Donna Rice Hughes, President, Enough Is Enough; Barbara Samuells, Co-Founder, 912 Super Senior; C. Preston Noell, III, President, Tradition, Family, Property, Inc.; Richard and Susan Falknor, Publishers, Blue Ridge Forum; Lisa Miller, Founder, Tea Party WDC; Seton Motley, President, Less Government; Colin A. Hanna, President, Let Freedom Ring; David Stevens, MD, MA (Ethics); Chief Executive Officer, Christian Medical Association; Ron Pearson, President, Council for America; Dr. William Greene, Founder and President, RightMarch.com; Maureen Van Den Berg, Legislative Director, American Association of Christian Schools; Emmett McGroarty, Director, Preserve Innocence Initiative; Andy Blom, Executive Director, American Principles in Action; Mark Williamson, Founder and President, Federal Intercessors; Peter J. Thomas, Chairman, The Conservative Caucus; Teresa A. Citro, Chief Executive Officer, Learning Disabilities Worldwide, Inc.; Curt Levey, President, The Committee for Justice; William A. Estrada, Director, Generation Joshua.

Mr. INHOFE. Mr. President, I have been a consistent advocate for human rights around the world and support ensuring that the world is accessible to those with disabilities. However, I do not support the cumbersome regulations and potentially overzealous international organizations with anti-American biases that infringe upon American sovereignty.

If we had not passed what I consider to be the gold standard for the disabled—and I do remember at that time the activity of the Senator from Massachusetts very strongly supporting it. But we have done our job. Other nations maybe haven't, but in our case I think we are looked upon by the outside as doing the responsible thing within our Nation: taking care of our own disabled.

Mr. KERRY. Would the Senator yield for a question?

Mr. INHOFE. I would be glad to respond to a question.

Mr. KERRY. The Senator has raised the specter of somehow there would be a change in this treaty at some point that might affect America. Is the Senator not aware that any change to a treaty, in order to go into effect and have any impact on the United States, would require the advice and consent of the United States Senate?

Mr. INHOFE. Yes, I do understand that.

Mr. KERRY. Without the advice and consent of the Senate, no change could possibly impact the United States.

Mr. INHOFE. But I would also say that the bureaucrats who would be running the program would have points of clarification where it is otherwise vague, and I think that could happen. And the point I am making here is we don't need to do that when we have our own here.

I understand there is a difference of opinion on this, and there are a lot of emotions. I saw in this morning's Roll Call magazine all the people lined up here with the distinguished Senator from Massachusetts. It doesn't say anything in the article, but it certainly attacks the emotions of individuals.

So I am not satisfied they would not interfere or through their clarifications could change the intent. And even if they don't, we have taken care of our problem here.

Mr. KERRY. Mr. President, it is important in this kind of debate as we make a judgment with the Senators that we base our judgment on facts and on the reality. The Senator has suggested he is opposed to this treaty because an outside group could impose its will on the United States of America. What he has just acknowledged is they can't do that because it would require the advice and consent of the Senate.

But, secondly, is the Senator aware that Senator RISCH asked the Justice Department whether the Court interpreted the effect of a nonself-executing declaration—which is in this treaty? And the response is, the Court said: The United States ratified the international covenant on civil and political rights on the express understanding that it was not self-executing. And so it did not create obligations enforceable in the Federal courts.

So the Supreme Court of the United States has held that the very standard being applied in this treaty, that it is not self-executing, means nobody has access to any court. There is no enforceable right against anybody in America created in this treaty.

Mr. INHOFE. To answer the Senator, I am not aware of the specific Risch request and what kind of response it drew.

I would only say this: It is important to understand that while the distinguished Senator from Massachusetts and I differ on most of these treaties—we had the same disagreement on the Law of the Sea treaty. The question is, in my opinion, our sovereignty. I believe this infringes upon our sovereignty.

With that, I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank Senator KERRY, Senator MCCAIN, Senator LUGAR, and so many others who have brought this matter to the floor.

It was 22 years ago when an historic event took place on the floor of this Senate which changed the United States of America. It was 22 years ago when we passed the Americans with Disabilities Act, and we said a disability should not disqualify you or

limit you in terms of your opportunity as an American.

Some people thought: This is obvious, everyone knows. But what was also obvious was there was discrimination taking place all across this great land. We removed that barrier to discrimination. And in passing the Americans with Disabilities Act, we stepped forward as a Nation.

Was there fear and concern? Of course. I can recall going to Green County in rural Illinois and walking in Carrollton into City Hall, and they said: Does this mean we have to build a new restroom for the disabled? The answer was, Yes, and curb cuts, and other changes that seem so superficial to many but mean literally whether a disabled person can be part of America.

What we did 22 years ago, though, wasn't novel. Because if you look at the course of American history, I think we have distinguished ourselves and successive generations by expanding the reach of freedom and opportunity. Think about how many times we have done that.

If you go back to the earliest days of this great Nation when older white men sat together and decided who would rule America, they weren't thinking about those of color; they weren't thinking about women; they weren't thinking about the disabled; they sure weren't thinking about those who weren't property owners. No. It was a pretty elite group that would form our democracy. And then successive generations of Americans decided that if democracy meant anything, if America meant anything, we needed to expand that reach of opportunity each generation.

The bloodiest experience of course was in the Civil War, when 600,000 Americans were killed in the course of a war that went on for years and could have divided us once and for all as a Nation. But it didn't. With the leadership of Abraham Lincoln and the inspiration of so many others and the blood, sweat, tears, and lives of the victims, we saved this Republic. We ended slavery. We created an opportunity, which still took us years and years to become a reality—a reality we are still working for today.

So now comes this treaty to the floor, and this treaty says to the world: What we did 22 years ago as a Nation is something we are proud to stand behind. It is basically an ideal that we have created an America that we want to export to the world. As we reflect on this debate—and you have heard some of those who oppose it—it is interesting the approach they are taking. They are fearful of change. They are fearful of what the expansion of opportunity for the disabled might mean to America.

Senator KERRY has made the point very clearly: This convention, this treaty, will not require the United States to change any law. And if any changes are to be made in the future, they will be made with the workings of Congress and the President. This treaty, this convention, will not force that change.

We meet all of the standards that are established in this convention when it comes to disabilities, and President George Herbert Walker Bush, a Republican, when he negotiated and crafted this treaty, said as much. Of course there are those who still question it. But, remember, every time we have opened this door of opportunity in America, every time we have expanded this definition of democracy to include another group that was being at least partially if not fully excluded, there have always been voices of concern and worry.

There have been voices of those who have said maybe we are not ready for that much change. They would say: Oh, I am not opposed to people of color, but if you force every hotel and restaurant across America in interstate commerce to open their doors, that may be going to far. We have always heard those voices and, after listening patiently, we have ignored them and moved forward with the new definition of freedom in this country, a new definition of opportunity, and that is what this does.

As we come together on the floor of the Senate, as we gather to discuss this historic treaty and what it means to us and our future, there is a reception taking place across the street. It is a reception for people with disabilities, and they are honoring one of our own: a man who served this country and this Senate in an exceptional way. His name is Bob Dole, of Russell, KS, who served in World War II, was severely disabled, came home uncertain of his future but dedicated his life to public service.

I don't know how many weeks or months or years are left in Bob Dole's life, but he has made the passage of this convention on disabilities his life's work of the moment. We owe it to Bob Dole and to all of the disabled veterans like him who stand with locked arms, begging us to pass this convention—we owe it to the disabled people across America and around the world to stand once again for the rights of the disabled and for expanding opportunity, not just in America but across the world.

People say we are an exceptional nation. There is a little bit of egotism in that statement, but I believe it is factual that America is an exceptional nation when it steps forward in the belief that freedom and liberty and opportunity should be for everyone within our country and around the world.

Today is our chance. Let no argument over some minor political issue stop us from focusing on the reality that what we are doing is historic, not just for America but for the world. We owe it not just to Bob Dole, we owe it to the disabled veterans and the disabled community to stand and say to the world: Join us, join us in expanding the reach of opportunity to those who have been left behind.

I yield the floor.

Mr. KERRY. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to speak in opposition to the ratification of the United Nations Convention on the Rights of Persons with Disabilities. I understand it is a sensitive topic, one about which many of my constituents on both sides of the issue have strong feelings.

Certainly most of us, if not all of us, have a family member or friend with a disability, and all of us live in a society that includes the disabled as highly valued members of our communities.

I have heard from advocacy groups consisting of people who hope and believe that this treaty will protect disabled Americans as they travel abroad and as they go about their lives. But I have also heard from parents of disabled children who are concerned that this treaty, in adherence to the ''best interests of the child'' standard in article 7, will threaten their rights as a parent to determine the best education, treatment, and care for their disabled children. Proponents of this treaty will dismiss those concerns as myth, but I simply cannot support a treaty that threatens the right of parents to raise their children with the constant looming threat of State interference.

If this vote and this treaty were in fact about protecting the rights of Americans with disabilities, then I might have a different position and the debate today would take on a very different tone. But this treaty is ultimately not about protecting the rights of Americans with disabilities because this treaty simply has no enforcement mechanism to protect those rights, the rights of disabled Americans, including veterans, who might travel to countries such as China or Russia or Mali or any other country that might choose to adopt this treaty.

If the Senate desires to protect the rights of disabled Americans who travel abroad, then this Senate would do better to encourage other nations to model their own reforms, their own internal legal structures after the Americans with Disabilities Act which, 20 years after its passage, still sends a message that disabled Americans will always have fair access to housing, employment, and education in this Nation.

I have mentioned a few things the treaty does not do. Now I would like to mention a few things the treaty does do that causes me some concern. First, article 34 establishes a committee, a committee on the rights of persons with disabilities. This committee will establish its own rules of procedure, and parties to the treaty are required to submit reports to the committee every 4 years.

In general, U.N. human rights treaty committees have made demands of state parties that fall well outside of

the legal, social, economic, and cultural traditions and norms of state parties. Sometimes their recommendations also fall far afield from the stated topics of concern within the individual treaties. For example, the U.N. Convention on the Elimination of Discrimination Against Women, or CEDAW, as it is sometimes known, included a recommendation that China decriminalize prostitution.

The U.N. Committee on Racial Discrimination went to great lengths to scold the United States on its detention policy at Guantanamo Bay. These recommendations often fall well beyond or are even in direct conflict with the treaty's goals.

Article 7 of this treaty provides a ''best interests of the child'' standard stating:

> In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

We all want to support the best interests of the child, every child. But I and many of my constituents, including those who homeschool their children or send their children to private or religious schools, have doubts that a foreign, U.N. body, a committee operating out of Geneva, Switzerland, should decide what is in the interests of the child at home with his or her parents in Utah or in any other State in our great Union.

Article 4 of this treaty obligates the United States to recognize economic, social, and cultural entitlements as rights under domestic U.S. law. The Senate, in my opinion, has not adequately investigated how this standard will affect domestic U.S. Federal and State law. We have had one hearing on this issue that included both proponents and opponents of the treaty but did not substantively address my concerns about this standard, about this significant addition to what would become the law of the land of the United States of America.

For these and other reasons I must oppose the U.N. Convention on the Rights of Persons with Disabilities, and I encourage my colleagues to do the same.

Mr. KERRY. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the Senator, and I understand there are colleagues on the other side of the aisle who have concerns about the United Nations, and I respect that. We have had these fights before, but I am having difficulty finding where the threat that the Senator has described gains any reality.

Specifically, with respect to children, the Senator mentioned the question of a committee being created, and sometimes committees make recommendations outside of the purview of something. That may be true. But when have words, I ask the Senator—when have words or suggestions that have no power, that cannot be implemented, that have no access to the courts, that have no effect on the law of the United States and cannot change the law of the United States—when has that ever threatened anybody in our country?

Mr. LEE. Whatever the United States ratifies——

Mr. KERRY. Does the Senator agree that there is no power to change our law?

Mr. LEE. No. I do not agree with that.

Mr. KERRY. Can the Senator show where it is specifically when the Supreme Court has held this is not self-executing, there is no access to American courts; when it is clear by the statements of the treaty itself there is no law of the United States that is changed? When Attorney General Thornburgh, who helped to negotiate this treaty on behalf of President George Bush, says there is no change in law, what is it that the Senator suddenly has that suggests otherwise that has any basis in fact?

Mr. LEE. First of all, whenever we ratify a treaty it becomes the law of the land under article VI of the U.S. Constitution. Secondly, whenever a body of law, whether embodied in U.N. convention or otherwise, becomes part of the corpus of customary international law, that often makes its way into U.S. judicial opinions. Is it direct? No. Does it directly undo any statute? No. But that doesn't mean it has no effect. If it had no effect we would not be here debating it today. It is the type of effect we worry about.

The Senator and I see things differently as far as what type of effect it might have. But that is not to say it has no effect. We should not be ratifying a treaty that we think might offset U.S. law as it exists now. We believe this could have that impact. Exactly where that is going to come up, I cannot prove to the Senator where that is going to happen. But it does have some impact, and when we ratify a treaty we make it the law of the land.

Mr. KERRY. Mr. President, I ask the Senator further, I know he is a good student of law, practitioner of law. I believe he understands that a treaty does not become customary international law just because the United States or another country ratifies it. The Senator is aware of that, I assume?

Mr. LEE. Yes, of course. It doesn't become the law of the land just because it is in the treaty. But it often does. Its entry into customary international law can become facilitated by the U.S. ratification of it.

Mr. KERRY. Again, the Senator has acknowledged that it does not become customary law; as a consequence, it has to somehow change. Within this—the Senator will agree that because the treaty adopts, in the body of the treaty, the statement that this is not self-executing and the Supreme Court has held that a nonexecuting treaty—let me just reference the specific case—Sosa v. Alvarez-Machain, 542 U.S. 692, a 2004 case—the Supreme Court said it is dispositive. Nonself-executing declaration is dispositive. The Court noted that the United States ratified a prior thing then—and said, ''it does not create obligations enforceable in Federal courts.''

So there is no obligation created. The Senator then said: Why would we do this? Because we are the gold standard, and every other country is encouraged—encouraged; we cannot require them, but they are encouraged—to raise their standard to U.S. standards.

Why would the Senator resist? I know the Senator and many of his colleagues argue we want other countries to be more like America. This is a treaty that, in fact, embraces that notion that they must be more like America. Why would the Senator not embrace that?

Mr. LEE. If my distinguished colleague and friend, the senior Senator from Massachusetts is correct, that this would have no impact on our law, if in fact it does nothing, then why would we make it part of the U.S. law? Why would we make it part of the law by ratifying it and making it the law of the land under article VI of the Constitution?

Mr. KERRY. I would say to the Senator, for a number of reasons: That allows the United States to sit at the table and actually advocate on behalf of our veterans, disabled veterans, who travel abroad.

Mr. LEE. What table is it at which we have no seat because we have not ratified this treaty? What is it that we cannot do by having the most aggressive laws, the most robust laws protecting Americans with disabilities that we somehow achieve simply because we ratify this? If, in fact, that does nothing more than embrace that set of laws that we have actually passed, and if, in fact, as my friend says, this does nothing, then why do we ratify it?

Mr. KERRY. No, let me make clear to the Senator, I have not said it does nothing. I have said it does not require a change in American law. I have said that it does not obligate the United States to a new set of standards or anything different from what we do today. I have said it does not allow anybody access to the Federal courts. That is different from saying it doesn't do anything. If it didn't do anything, I would not be here either. Nor would George Bush have signed this. Nor would George Herbert Walker Bush have begun the negotiations.

This is not a Democrat-inspired treaty. This is a universally accepted set of principles about how we would like to see people in the rest of the world treat people with disabilities.

There is more to be said about that, and there is more to be said. I want my colleagues to speak about why we are here.

Let me recognize, if I can, the Senator from Arizona?—no, I will hold off on that, if I may.

Let me recognize the Senator from New Mexico for 5 minutes.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Mexico is recognized.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I thank Senator KERRY for the recognition. I appreciate it. I have been an earlier supporter of the ratification of this important treaty. I am pleased to have worked with Senators DURBIN, MCCAIN, HARKIN, COONS, and BARRASSO. In particular, I want to thank the chairman and ranking member on the Foreign Relations Committee. I thank all of these fine Senators for their bipartisan work on this bill.

We still have work to do to improve our treatment and acceptance of disabled persons. But through the Americans with Disabilities Act, the United States has been at the forefront of protecting the dignity of people with disabilities. This treaty will help expand American values and leadership throughout the world. It is a vital step forward in respecting the rights of the disabled.

As a member of the Foreign Relations Committee, I am aware of the challenges many countries face. These challenges include supporting their disabled citizens. Our Nation has set the standard for improving access to buildings, technology, and other areas for the disabled. Without the United States accepting its leadership role, it is possible that different standards could be adopted internationally. As for one example, this would place disabled travelers at a disadvantage. They would be forced to deal with different standards while traveling overseas.

In many countries there has been insignificant investment in infrastructure to improve access for the disabled, and in many cases there is a misunderstanding about what rights disabled persons should be afforded. Ratifying this treaty will help the United States clarify to the world that people with disabilities have dignity and that they are capable of living full and meaningful lives.

For instance, article 6 of the Convention on the Rights of Persons with Disabilities addresses the issue of women with disabilities. The article provides that:

> State Parties shall take all appropriate measures to ensure the full development, advancement, and empowerment of women for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Many countries are falling short in protecting the rights of women. It is tragic that so many women are subject to human rights abuses in a number of countries. Secretary of State Clinton has made empowering women an important part of our diplomatic priorities, and I support her efforts.

Fortunately for the United States, we do not need to implement additional legislation in order to be in full compliance with the convention. Laws such as the Civil Rights Act, Title IX, the Family and Medical Leave Act strengthen the U.S. position in the convention, and our leadership could lead to other countries adopting similar protections for disabled women.

Most importantly, I am reminded of the veterans who have returned from the wars in Iraq and Afghanistan. These brave veterans have served in all the places we have asked them to go. They have advanced the interests and ideals of the United States. We owe them a debt for their service. Many of them have returned with severe wounds, some requiring a lifetime of care.

I wish to read a statement from one of the veterans who appeared in front of the Foreign Relations Committee. John Lancaster is a disabled attorney and marine veteran. This is what he said:

> In 1968, I arrived in Vietnam during the Tet Offensive, assigned to the 1st Battalion, 27th Marines as an Infantry Platoon Commander. Five months later, I was shot and injured in a firefight. After months of rehabilitation, I arrived back home in Western New York a disabled veteran. Although my friends and family welcomed me home, society did not receive me quite as well. While there was certainly tension around the politics of the Vietnam war, it was the inaccessibility of my environment that made me feel the least welcome. I returned to a country not ready to receive me as a man who now used a wheelchair.

That was the reality that an honored soldier had to overcome until the United States improved its laws to protect the disabled, and it is still a reality in many places overseas, places where our veterans and other disabled citizens will likely travel in the future for either business or pleasure. We must ratify this treaty because protecting the rights of the disabled is the right thing to do in the United States of America, and it is the right thing to do throughout the world.

Again, I thank Senator KERRY and Senator LUGAR for their hard work on this treaty. We look forward to our colleagues voting for it in a short hour from now.

I yield the floor.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. Twenty-seven minutes still remains.

Mr. KERRY. How much on the opponent's side?

The PRESIDING OFFICER. About the same.

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Delaware, Mr. COONS.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I also thank Senator KERRY for his chairmanship on the Foreign Relations Committee and his leadership on this very important issue. I thank Senator LUGAR as well. Both Senators, in combination, led strongly on this important issue.

Let me briefly add 2 minutes to the chorus on this floor today. First, as to the Senators who have spoken pointedly about their fears and their concerns about home schooling. I listened to their arguments while I was the Presiding Officer. Senator INHOFE of Oklahoma spoke passionately about his youngest daughter who homeschools her kids and about their fears that somehow this convention would hand the power to an unelected group of bureaucrats to direct the schooling of children in Oklahoma.

I heard Senator LEE of Utah add a question to that negative chorus. He said, I have justifiable doubts that a U.N. committee in Geneva can judge the best interests of children in Utah.

I agree. This convention does nothing to empower an international convention of bureaucrats to direct the schooling of children in Delaware, West Virginia, Indiana, or in Massachusetts.

I am, frankly, upset that they have succeeded in scaring the parents who homeschool their children all over this country. My own office has gotten dozens of calls and letters demanding that I vote against this convention. As a matter of international law and as a matter of U.S. law, this convention does nothing to change the home schooling of children in America; rather, it does something positive.

The Americans with Disabilities Act, which was led so brilliantly in its ratification by Senator TOM HARKIN and Senator Robert Dole, who was a central architect in the passage in this Chamber, stands as a great accomplishment in this country in our steady progress toward freedom and inclusion. This convention, ratified by this Senate, would allow our voice to be heard in an international forum all over the world. A billion citizens of this world live with disabilities every day, and our voice deserves to be heard.

When we open the Senate every day, we say the Pledge of Allegiance. At the end of it, we hold up to the world our standards: Liberty and justice for all. In this country, the Americans with Disabilities Act says we have accomplished real progress toward liberty for the disabled and justice for all. By ratifying this convention, our voice would be heard on these vital issues all over the world. It is a voice that deserves to be heard. I urge my colleagues to ratify the convention.

With that, I yield the floor.

Mr. KERRY. Mr. President, how much time do we have?

The PRESIDING OFFICER. Almost 24 minutes.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank Senator KERRY, Senator LUGAR, and Senator MCCAIN for their great leadership and their dogged persistence in making sure we can get this treaty through the committee and to the floor. It has been inspirational to

watch them work together in a bipartisan fashion to bring us to this point. I hope we don't lose that in terms of the vote.

I just came over from the Dirksen building where we had a wonderful ceremony honoring former Senator Bob Dole. Some time ago I went back and I read Senator Dole's maiden speech on the Senate floor, dated April 14, 1969.

Mr. President, I commend these remarks to my colleagues.

Senator Dole spoke of the future of people with disabilities in America and what we need to do to change our society. That was in 1969. It was 21 years later when we passed the Americans with Disabilities Act. The country has changed so much for the better because of that.

We are sitting here now with a convention by the U.N. which basically says to the rest of the world: You have to do what America did. In establishing this convention, the U.N. was informed by the Americans with Disabilities Act, and a lot of it is based upon what we did here.

As the committee showed, not one of our laws or anything has to be changed. Not one. We are the best in the world at this. Yet what this convention gives us is a seat at the table. When other countries have signed on to the treaty, it gives us a seat at the table to be able to work with other countries and to help them upgrade their laws so that people with disabilities have more opportunities in other countries. Why would we deny ourselves a seat at the table when we have been a leader in this effort for so long?

I listened to the speeches by both Senator INHOFE from Oklahoma and Senator LEE from Utah. These are unfounded fears. I repeat, there is nothing in there that is going to allow anyone from the United Nations to take a child away from a family or tell a family they cannot homeschool a kid or anything such as that. There is nothing in there. These are totally unfounded fears. We should not be driven by unfounded fears. We should be driven by what we know of our experience, what we have done, what the wording of the convention is, and the fact that none of our laws has to be changed because of it.

The Senator from Utah made the point that we all know people with disabilities. We have family members or friends, and we value them. We truly do value people with disabilities in our society. Well, if we truly value them, why don't we listen to them?

There are over 300 disability rights groups that support this. Not one said they won't support it. So if we value them, why don't we listen to them? Do we want to keep patronizing people with disabilities and say, you are all right, but we won't listen to you because we know what is best for you? We don't know what is best for people with disabilities. We know who knows what is best for people with disabilities: It is people with disabilities. They all said this is important.

There are 300 disability organizations that asked us to support this ratification. I think we should listen to them and get their advice. Think about what the disabilities community here in America could do with that seat at the table and how we can work with other countries to help them upgrade their laws. I have a hard time understanding why people would be driven by unfounded fears to vote against this with all of the evidence from 22 years of the Americans with Disabilities Act, including the hearings held by Senator KERRY and Senator LUGAR which brought out all the information and pointed out that not one of our laws has to be changed at all. In the face of all of that evidence, someone will vote on the basis of an unfounded fear.

I remember when we passed the Americans with Disabilities Act in 1990. It took a long time. There were a lot of fears out there. There were fears of: Oh, my gosh, we are going to have to do this and that. Buses have to have lifts on them, and we have to build those curb cuts. What, kids with disabilities get to go to school?

They were unfounded fears. We became a stronger and better society because of it. This treaty will make us a better world in which to live for all people and not just those who have disabilities.

I urge all of my colleagues, don't give in to unfounded fears. Take the good advice of Senator Bob Dole, President Bush, former Congressman Steve Bartlett, JOHN MCCAIN, JOHN KERRY, and DICK LUGAR, people who have been in the trenches on this, and take the advice of the disability community here and abroad. If you will do that, we will win a resounding victory today.

Thank you, Mr. President.

Mr. DEMINT. Mr. President, I rise today to speak about the United Nations Convention on the Rights of Persons with Disabilities.

As a member of the Foreign Relations Committee, I have participated in the hearings and debates on this treaty, and I understand the aspirations of the groups who support it. But I have serious concerns about reaching those goals through a legally binding United Nations treaty.

Other U.N. organizations have failed to achieve their stated purposes and actively work against the interests of the United States.

Not even a week ago, the United Nations General Assembly voted overwhelmingly to upgrade the Palestinian Authority to ''non-member observer state'' over the objections of the United States and Israel. This is a breach of the Oslo accords and will hurt the Middle East peace process. Secretary Clinton called it ''unfortunate and counterproductive.''

The U.N. Human Rights Council includes notable human rights violators such as Cuba, China, and Russia. These countries have made little progress improving the rights of their citizens, and nearly 40 percent of the council's country-specific human-rights condemnations are against Israel.

More worrisome, convention committees—such as the Committee on the Elimination of Racial Discrimination and the Convention on the Elimination of All forms of Discrimination Against Women—have a track record of overstepping their authority and advocating positions contrary to American laws and values.

In the past, these committees have supported giving voting rights to felons, the decriminalization of prostitution, gender quotas, and increased access to abortion.

Overly broad language included in this treaty would likely allow the U.N. to meddle in many of our domestic matters. International bureaucrats working with the U.N. should not be able to influence how the United States creates and implements laws for the disabled, especially when members come from countries with lower human rights standards than our own.

The purpose of any treaty should be to advance specific security or economic interests that make us a stronger and safer nation. This treaty does neither.

Last week on the floor, Leader REID argued that we must ratify this treaty to ''take the high ground'' on these issues with the rest of the world. But the United States does not have to join a U.N. convention or any other organization to give ourselves legitimacy and moral authority in the world.

For decades, the United States has been the global leader and champion for persons with disabilities. We must continue to work hard to improve the lives of disabled citizens in our country. Encouraging respect for disabled persons is important and the goals of this convention are admirable.

This convention will do nothing to improve the rights of Americans in the United States. We have little evidence to suggest that joining this convention and its committee will ensure that other countries improve their protection of disabled people. Of the 126 member countries, this convention's committee has only issued recommendations to a handful.

Portions of this convention also concern reproductive health, the rights of families, and the use of the treaty in our courts.

Attempts were made in the committee to clarify some of these sections and protect American sovereignty, but those attempts were defeated.

These issues should be addressed by individual U.S. States and local governments, not an international bureaucracy where Americans have no elected representation.

We should never cede the authority of these matters to an international organization. President Washington's warning in his farewell address bears repeating here. He said:

> The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little

political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

His words serve as a compelling argument against this treaty today.

We should be wary of international alliances and only work within them when they will strengthen America or make her safer.

I encourage my colleagues to reject this treaty and address this important issue in a format that does not endanger the sovereignty of the United States.

Mr. GRASSLEY. Mr. President, the U.N. Convention on the Rights of Persons with Disabilities has the admirable goal of advancing the interests and rights of the disabled across the world. However, I have great concerns about acceding to this convention. I am also disappointed that the Senate will dedicate just 2 hours of debate to consider this convention, without the ability for any Senators to offer or consider worthy amendments.

U.S. leadership in advancing and safeguarding the rights of the disabled is unmatched. The United States is the leader on disability issues. It's for this reason that the convention is modeled on the disability rights laws of the United States. However, I have serious doubts that simply joining the convention will lead to greater U.S. influence in promoting disability rights abroad. The ability of the United States to lead on this issue is not and should not be dependent upon joining this convention. We can lead on disability rights abroad because we lead on disability rights at home.

Joining this convention will have no impact on the disability rights of Americans in this country. Americans with disabilities are already afforded the rights contained with the treaty. Many Federal and State laws protect the rights of the disabled, including the Americans with Disabilities Act. Even proponents of the convention acknowledge that it will not enhance the rights of individuals with disabilities in America.

We have made great strides in disability policy in America. Laws which I authored, such as the Family Opportunity Act and Money Follows the Person, not only gave the disabled health care coverage but gave them real self-determination in that health care coverage. In the future, I will continue to work to protect coverage of the disabled during difficult budgetary times and work to find solutions for the disabled that allow for coordination of support services across all an individual's needs. While I respect the concerns and goals of supporters of this treaty, we should not let this take the place of focusing on problems and solutions here in America.

However, becoming a party to the convention would subject the United States to the eighteen-member Committee on the Rights of Persons with Disabilities. This committee is created to monitor the implementation of the convention and provide conclusions and recommendations with regard to State Party's treaty reports. I have serious concerns about the infringement upon U.S. sovereignty by a committee tasked with providing criticisms and recommendations for the United States on our disability laws.

Further, the convention raises additional concerns by unnecessarily including references in the area of ''sexual and reproductive health'' and the ''best interests of the child.'' These provisions call into question the purpose of the convention regarding abortion rights and the fundamental rights of parents to determine how best to raise their children.

It is for these reasons, along with the decision of the majority leader to shut out the rights of Senators by prohibiting the consideration of any amendments, that I oppose this convention.

Mr. RUBIO. Mr. President, my late grandfather was one of the most influential people in my life. Until his death when I was 13, ''Papá'' was a mentor who spent countless hours on our front porch with me discussing history, politics and baseball. As a Cuban immigrant, he knew how special America is, and it is one lesson from him that I will never forget.

Papá was also my hero for the way he lived his life. Stricken by polio as a boy, he would be disabled for the rest of his life. He would often walk miles to work at a cigar factory to provide for his family. Because of his disability, walking was difficult for him and he would often return home at night with his clothes dirty from repeatedly falling to the ground. But he kept getting up, and lived a life that I admire and will never forget. Because of him, I knew from a very early age the inherent dignity and beauty evident in every disabled human being on earth, whether they were born with their disability or developed it in the course of their lives.

The landmark Americans With Disabilities Act, enshrined into law many fundamental rights to help disabled people live life. As Americans, it should make us all proud because it is one reason the United States has set the gold standard in the world for disability rights. It has demonstrated to everyone else one more dimension of our exceptional people, ensuring that our disabled brothers and sisters have better opportunities to rise above their physical limitations to stake their claim on the American Dream.

As the Senate considers the Convention on the Rights of Persons with Disabilities today, it is important to note that a failure to approve it would in no way diminish what we have accomplished in America on disability rights, just as its passage would not improve the laws affecting Americans with disabilities. Furthermore, nothing on this treaty compels other nations to raise their standards or in any way improve the care they afford to persons with disabilities. Therefore, I stand in opposition of its ratification today.

The treaty's supporters have argued that its passage will elevate disability rights abroad, to the benefit of disabled people not fortunate enough to live under laws like ours and also to disabled Americans when they travel. However, the United States already promotes disabled rights and better laws abroad through the State Department and our foreign embassies. The Americans With Disabilities Act, and subsequent improvements to it, should be the law upon which other countries base their own laws protecting their disabled people and aiming to make their lives better.

I believe America's example should lead the way on achieving stronger universal disability rights than the United Nations, the governing body entrusted to oversee this treaty's implementation. The American example of millions of disabled Americans living their dreams is a stronger force to compel other countries to do the same than a United Nations body populated by such chronic human rights abusers as China and Russia, nations that fail to respect the fundamental rights of everyone, much less their disabled.

When this treaty was originally negotiated, a bipartisan consensus existed that this treaty would not address abortion. This is an appropriate position when you consider that, too often, unborn children in the United States and across the world are aborted because their disabilities have been detected while in the womb. When the Senate Foreign Relations Committee debated this issue in July, I offered an amendment to make clear this Convention does not create, endorse or promote abortion rights as reproductive health. I made clear its intent was not to change U.S. domestic laws on this matter. All my proposed change did was state very clearly that, at the end of the day, this Convention on the Rights of Persons with Disabilities is about protecting persons with disabilities, regardless of their stage in life. Because this important change was not adopted and for all the reasons I have outlined here, I cannot support Senate ratification of this treaty.

Mr. LEAHY. Mr. President. The Senate today is considering the ratification of an important treaty that will further strengthen the United States' longstanding role as a beacon of human rights around the world. I support ratification of the United Nations Convention on the Rights of Persons with Disabilities, CRPD, and hope that this treaty, which enjoys bipartisan support, will be approved by the Senate today.

I have long been a strong supporter of the Americans with Disabilities Act, ADA, which has served to protect the rights of disabled U.S. citizens for more than 2 decades. The CRPD is a natural extension of many of the core principles guided by the Americans with Disabilities Act. I believe that any person living with a disability, regardless

of where they were born or where they reside, should be protected from discrimination and unfair treatment.

President Obama signed the Convention on the Rights of Persons with Disabilities in 2009, and earlier this year, he submitted the treaty to the Senate for ratification. The Senate Foreign Relations Committee reported the CRPD to the full Senate in July, and it is right that the Senate is taking action on this important treaty before this Congress adjourns. Current U.S. law already provides a number of protections called for under the CRPD. The Foreign Relations Committee included in its reported treaty reservations, understandings, and a declaration which will allow the United States to be in full compliance with the treaty, without making changes to existing U.S. law.

Like President Obama, I believe this convention serves a number of American interests, including encouraging protection of U.S. citizens and servicemembers with disabilities who live or travel abroad, and assisting U.S. businesses by ensuring that their international counterparts are required to comply with similar laws.

Around the world, 125 nations have signed the Convention on the Rights of Persons with Disabilities, and are parties to this treaty. Its ratification is supported by both Democrats and Republicans, and by well over 300 religious organizations, health care centers, advocates for people with disabilities, and veterans' organizations. Disability Rights Vermont and the Vermont Center for Independent Living are among those organizations supporting ratification. I hope all Senators will support this important treaty. It sends the right message to the rest of the world that the United States cares about the dignity of all people.

Mr. INOUYE. Mr. President, today the United States Senate is considering a resolution to provide its advice and consent with respect to the Convention on the Rights of Persons with Disabilities, CRPD. At its heart, the Convention is a non-discrimination treaty, which requires that persons with disabilities have the same general rights as those without disabilities.

I am grateful for the opportunities this Nation provided me as a young man who returned from World War II as an amputee. Those opportunities included a college and law degree, eventually serving the Territory and State of Hawaii. I was fortunate my injury did not hinder my dream to work for, and serve the people of Hawaii. Throughout my years in the Senate, I joined with my colleagues to advance non-discrimination initiatives that protect all Americans. In 1989, I was proud to join with my good friend Senator HARKIN as an original cosponsor of the Americans with Disabilities Act, ADA, in the Senate, and vote for its passage in 1990. The ADA, established in law, our Nation's dedication to ensure those born with disabilities, or those who suffer life changing disabilities, are individuals with dignity. Furthermore, that those individuals enjoy the same rights and opportunities all Americans are guaranteed under the Constitution. Unfortunately, this is not necessarily the case around the world.

The ADA and its goals served as the model for the treaty resolution before us today. This Convention will help move countries toward protecting the rights of disabled individuals. Practically, it will allow the U.S. to engage other countries in the international arena to work toward the standards and accessibility here in the United States, which will benefit disabled Americans who work, live, and travel the world. We are fortunate U.S. law meets or exceeds the obligations of the CRPD, and that no implementing legislation is required. Our country stands up to protect the rights of the most vulnerable in our society. We cannot comprehend the mistreatment or simply the disregard of the lives of those with disabilities. Ratifying this treaty will reaffirm our country's leadership and commitment to the basic human rights of disabled men, women, and children. I am pleased to join my colleagues in support of the ratification of the CRPD.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I renew my request now. We have had about four successive Democrats speak. There is nobody here from the other side. I do not think it is fair to have our time docked as a result. So I suggest the absence of a quorum and ask unanimous consent that the time be charged to the opponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask that I be notified after 7 minutes.

Mr. President, when the Senate gives its advice and consent to a treaty, it becomes the ''supreme law of the land'' on par with Federal statutes. This is Article VI, Clause 2 of the U.S. Constitution. It is in our Constitution. That is why we must take great care in ratifying treaties and doing so only if it advances U.S. interests at home or abroad.

The overwhelming majority of constituent comments my office has received have been in opposition to the convention—approximately 1,000 letters in opposition; 40 letters or so in support.

Moreover, I, along with 36 other Senators, joined a letter to the Senate leadership requesting that no treaties be brought to the floor during the lameduck session.

A treaty is a powerful document, equal to or above statutory law. Historically, treaties are to regulate the relationship between sovereign nations. They do things like settle border disputes and create trade relations between those two nations. While treaties on occasion have blurred the line between international relations, the line, the principle still remains fundamentally intact.

This Nation has never ratified a treaty of which the entire focus is to empower an international agency—here, the United Nations, an organization that truly is proving to be dysfunctional and often hostile to the most legitimate interests of the United States—to monitor the internal policies of the United States. This is particularly curious in that the United States has the world's best record on disability issues.

Se we are told, let's ratify the treaty because we already meet, at least today, all the requirements of the treaty. This will set an example. In truth, we have already set an example. We lead the world.

This treaty, however, has misdirected the focus of the United States and the world community away from nations who do little or nothing for the disabled and to direct blame first on this Nation.

Of course, the United States has a most magnificent system of law. It is the foundation of our liberty, our prosperity, and our happiness. Thus, if we were to ratify this treaty, we can be sure that international hypocrites will soon demand that the United States do this or that. All the while, their countries will have been in full violation of virtually every provision of the treaty. Many other mischievous actions will certainly arise to bedevil our country, and we will have hypocritical meddlers complicating our internal disability efforts, as well as our internal social and health policies. I do not think this is necessary.

Now, I agree that the United States and the world can do more to advance the cause of the disabled. I truly do. I recently visited the very fine Alabama School for the Deaf and Blind. I personally saw how inexpensive computers can transform the daily lives of the disabled. Deaf and blind can move from being disconnected to connected, from unemployed to highly productive. It was such a moving and positive experience to see what can be done today with the technology this world has.

When one visits our magnificent military hospital at Walter Reed National Military Medical Center, one can see the devices that are used there on a regular basis to make the lives of those who have been injured better. The whole world will benefit if more of this technology is made available.

The right way to advance assistance for the disabled worldwide is to be active internationally, to be on the front

lines promoting these good techniques and policies, and to use more of our existing foreign aid for this purpose rather than wasting it, as we too often do, on corrupt governments that take it and do little for their people. I believe the State Department should strengthen its outreach in this important area. I have even drafted a law that would require them to establish such a department within their agency. As we spend billions yearly on aid, surely we can be more effective in ensuring that the equipment, devices and treatments that are life transfiguring are given more emphasis by our government.

We ought to raise the level of priority we give to the disabled.

Yes, I acknowledge that such expenditures are not purely a part of our Nation's national security policy, but America has always responded to the call to be a force for good in the world.

I just left a meeting 15 minutes ago with United Methodists from the North Alabama Conference who have a project to fight AIDS, HIV, and malaria in Africa. This is part of the American heritage, and we do this every day, and it should be done.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. SESSIONS. I thank the Presiding Officer.

This is our heritage, a heritage that has proven to be a blessing to the world. We do not want to walk away from that.

Another part of our heritage is the rule of law—that clear and strong understanding of the unique quality of national sovereignty. We are honest people. We are productive people. We are lawful people. We know that we will be able to be more prosperous and thus able to help others if we protect our economy from reckless, dangerous spending and the authority of our legal system from erosion. Thus, I conclude this treaty is unnecessary and, in fact, dangerous for our Nation.

So let's do more for the disabled worldwide. I will be supportive of that. But let's do it without enmeshing our Nation into another binding international organization that will cause more grief than benefit.

I will conclude with one more thing.

I am coming to the view that we as a nation need to be more legally aware of the dangers of signing agreements with foreign nations that regulate internal affairs, even if we are not giving away direct powers over the United States. I do not see that is necessary. I think that is a bad step. I am opposed to that. I think that in the long run, we will have difficulties.

I thank the Presiding Officer, yield the floor, and reserve the remainder of our time for my colleagues who I know want to speak on this matter.

Mr. KERRY. Mr. President, I yield the Senator from Arizona 7 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come to the floor with a bit of a heavy heart today because I think the Senate may not act to approve the Convention on the Rights of Persons with Disabilities. I would say the issue is not going away. I think there are too many Americans and too many veterans organizations and too many people who are committed to this cause, that over time we may have every chance and every opportunity to succeed.

I remind my colleagues that virtually every major veterans organization in America supports the treaty, people who represent those men and women who have fought and particularly try to assist those with disabilities that are the result of combat. They are AMVETS; the Air Force Sergeants Association; Air Force Women Officers Associated; the American GI Forum; the Association of the United States Navy; the Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; the Military Officers Association of America; the National Association of Black Veterans; the National Guard Association of the United States; the National Military Family Association; Paralyzed Veterans of America; the American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of the United Spinal Association; Vietnam Veterans of America; and the Wounded Warrior Project.

Mr. President, I ask unanimous consent that the statement of all these veterans organizations be printed in the RECORD.

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

VETERANS SUPPORT THE CONVENTION AS THE RIGHTS OF PERSONS WITH DISABILITIES

Vote YES for the CRPD in 2012! In a letter of support for the disability treaty, 21 veterans service organizations highlight why the CRPD is important to them:

The CRPD is important to veterans and servicemembers with disabilities because it embodies the principles of the Americans with Disabilities Act (ADA). Like the ADA, the CRPD supports equal treatment and nondiscrimination in access to rehabilitation, employment and educational opportunities. We support the principles of the ADA because it promotes empowerment of our nation's veterans and servicemembers with disabilities by providing the opportunity to achieve independent living and inclusion into all aspects of society.

As organizations that represent veterans and servicemembers and their families, we believe that the CRPD would remove barriers and allow American servicemembers and veterans with disabilities to work, serve, study, and live abroad. In part, barriers will be diminished due to changing attitudes around the world regarding people with disabilities. As a result of the changes occurring through the CRPD, servicemembers and veterans with disabilities will be able to continue leading active lives within the global community.

VSOs that Support U.S. Ratification of the CRPD: AMVETS; Air Force Sergeants Association; Air Force Women Officers Associated; American GI Forum; Association of the United States Navy; Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; Military Officers Association of America; National Association for Black Veterans; National Guard Association of the United States; National Military Family Association; Paralyzed Veterans of America; The American Legion; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of America; Wounded Warrior Project.

Mr. MCCAIN. Mr. President, I commend to my colleagues a very moving letter to the U.S. Senate from a very famous man, a Chinese dissident who was blinded, who recently was able to leave China, which was printed in the RECORD yesterday.

I will not quote from his whole letter. He says:

This treaty is making this idea real in significant ways around the world. Today there are over 1 billion people with disabilities, and 80 percent of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook. When the United States enacted the Americans with Disabilities Act over 20 years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and are now coming together under shared principles of equality, respect and dignity for people with disabilities as entailed in the treaty.

The United States, which was instrumental in negotiating this treaty, can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world and, by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

That is what this is all about—American leadership, American leadership in the world. I don't know how many millions of people around the world are deprived of the same rights that Bob Dole and TOM HARKIN and so many others made possible, but do I know this is an expression of American leadership throughout the world—I think an obligation America should embrace.

I would like to read a statement by our distinguished former colleague and leader, Bob Dole. More than a dear friend, Bob remains an authentic hero to millions of his countrymen, someone whose personal example of wartime sacrifice was equaled—if such a thing is possible—by his service in this body. He is respected wherever people value political courage and civility.

Bob Dole returned from World War II, one of the countless wounded warriors whose defense of our liberty curtailed his own. Gravely injured, disabled for life, he developed a unique personal understanding of his fellow Americans excluded from the mainstream. In the years that followed, Bob fought to ensure not only that no American would be relegated to the back of the bus but also, in the case of the disabled, that no one would be prevented from boarding the bus.

Bob Dole has been our leader on the issue of disabilities from the moment he stepped foot into the Chamber. To Bob, it is unthinkable that Americans

could not get over a curb or enter a school building or even watch a debate in this Chamber if they were in a wheelchair.

On April 14, 1969, the same date he was injured in the hills of Italy 24 years earlier, he made his maiden speech on the topic of Americans with disabilities. In every legislative initiative since then, Bob Dole has been a leader on behalf of people with disabilities, bills such as the Rehabilitation Act of 1973; the Individuals with Disabilities Education Act, IDEA; the Developmental Disabilities Act, and the Americans with Disabilities Act. He was responsible for including people with disabilities in the Telecommunications Act of 1996 and for ensuring that people with disabilities are part of the State Department's annual report on human rights around the world.

After leaving this Chamber, Bob Dole prompted the Congress to pass the Ticket to Work and Work Incentives Improvement Act of 1999—breakthrough legislation on health care and employment for people with disabilities.

This past year he has been instrumental in working with the administration and Congress to ensure bipartisan support for the Convention on the Rights of Persons with Disabilities to reflect American leadership and values and safeguarding the rights of every individual in the world.

I ask unanimous consent for an additional 3 minutes to be added on to the time of the vote.

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

Mr. MCCAIN. I ask unanimous consent to have Bob Dole's statement printed in the RECORD.

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

SENATOR ROBERT J. DOLE, DECEMBER 4, 2012, STATEMENT ON THE SENATE VOTE ON THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

I'd like to thank my former colleagues, members of the Administration, and many friends whose efforts have brought about the Convention on the Rights of Persons with Disabilities. In their diversity they reflect America itself—I'm thinking of people including our former colleagues Tony Coehlo, former Attorney General Dick Thornburgh, and former White House Counsel C. Boyden Gray—key leaders on the landmark and bipartisan 1990 Americans with Disabilities Act. They have taken great pains to ensure that this treaty is in the best interest of our Nation, and reflective of the values that we all believe transcend any party label. I especially thank President George H.W. Bush for his indispensable leadership and support.

The approaching vote on the Convention on the Rights of Persons with Disabilities is a proud moment for the Senate, the latest chapter of an untold story including the Americans that say: no first class democracy can tolerate second class citizens.

In recent years, we have recognized that people with disabilities are integral to our society, that we cannot afford to waste their talents, nor can we proclaim our beloved America demonstrably—the home of the brave, the land of the free—as we overlook the abilities that trump any disabilities. As the ranks of the disabled and their families swell, so does popular support for measures to ensure equality of access and opportunity. One way or another disability issues touch nearly every family in America.

Eight years ago, in dedicating the National World War II Memorial on the Mall, I tried to put into words what makes America worth fighting for—if need be, dying for. I spoke of the American promise, imperfectly realized and too long delayed for some of our fellow citizens—but a promise of individual opportunity and universal justice for which we all aspire. ''This is the golden thread that runs throughout the tapestry of our nationhood,'' I said, ''the dignity of every life, the possibility of every mind, the divinity of every soul.'' In ratifying the CRPD, we can affirm these goals for Americans with disabilities. We can join with our allies in entrusting the blessings of freedom to millions outside our borders. I urge your support of this important treaty and I thank you for your consideration.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today in opposition to the ratification of the U.N. Convention on the Rights of Persons with Disabilities or the CRPD. The United States has a long and proud tradition of protecting human rights, especially those of the disabled. I do not believe we need to ratify an international convention to demonstrate our firm commitment in this area.

CRPD ratification would do nothing to improve the lives of the disabled in the United States, and if other countries are looking for good examples of how to improve their laws, they could do no better than to refer to U.S. laws. Just as with many treaties before this one, the CRPD would offer cover to regimes that have no intention of actually helping their citizens, while needlessly tying the hands of countries such as the United States that have actually made great strides in this area.

I take China as just one example. According to Human Rights Watch, Chinese citizens even suspected of having a mental disability can be arbitrarily committed to institutions because Chinese law offers almost no protections against involuntary civil commitment. Moreover, Beijing is now considering a draft mental health disability law that would ''permit the indefinite involuntary detention, forced medication, and forced labor of persons suspected of having a mental disability.'' Obviously, this is in direct contravention to both the spirit and the letter of the CRPD even though Beijing has ratified it—I repeat: even though Beijing has already ratified the treaty. So while this convention has no mechanism to force countries such as China to actually respect their disabled citizens, what it does do is allow their leaders to falsely present themselves as forward-leaning on disabled rights just as they continue to run roughshod over such protections at home.

Supporters of this convention claim that ratifying it would allow our country to assume the moral high ground when it comes to addressing other countries' gaps in disabilities rights. I would argue just the opposite. As I just mentioned, becoming a party to this convention would actually put us in the company of nations that are nowhere near the high ground on this issue, moral or otherwise.

Moreover, we already have the most comprehensive disability rights laws and protections in the world, period. In fact, the U.S. record of disabilities rights-related laws stretches back more than four decades, unequivocally demonstrating our commitment and leadership in this area. That is why many nations look to us for guidance in developing their own disability laws and discrimination protections. We do not need a treaty to provide that guidance, obviously.

For example, the European Union is looking to current U.S. law as a model for its own accessibility initiatives. In January of 2011, European Commission Vice President Viviane Reding discussed proposals for what is designated a ''European Accessibility Act,'' citing progress made in the United States under the provisions of the Americans with Disabilities Act of 1990,'' which I was proud to support. Reding believes ''that the EU should learn from this positive experience and go ahead in Europe too.''

The convention's supporters also erroneously contend that U.S. ratification would result in tangible benefits for Americans with disabilities who choose to live, travel, or work abroad. They assert that it would allow the United States to have greater influence over disability rights in such areas as employment or accessibility among other states that are party to CRPD. I think this is far from certain.

To be sure, Americans with disabilities face serious challenges when they travel abroad precisely because those nations' laws are not as supportive as are those here in the United States—the matter I spoke of a moment ago. But it is the example we have set through our legislation, not ratification of this convention, that could improve their access, for example, to technology, as our Telecommunications Act of 1996 does, or accommodations that would be available, as the American Fair Housing Act does, for example. Only individual member states can draft and implement and enforce the type of wide-ranging laws that are necessary to actually protect the rights of persons with disabilities—laws, I might add, that are already in place here in the United States of America.

We know all too well from experience with other treaties that states such as China routinely flout their treaty obligations. I believe it boils down to this: Countries look to the United States for leadership in this area not because we are party to an international treaty but because we have actually demonstrated our commitment through tangible and sustained action. Our

commitment to the rights of the disabled does not end with the passage of laws or the enforcement of regulations; rather, it is an ongoing commitment through civil society and a myriad of civic groups, NGOs, and religious organizations, many of which work abroad to help improve the lives of persons with disabilities. It also extends to individuals, including entrepreneurial Americans who continuously seek to develop new cutting-edge technologies to improve the lives of anyone who might benefit from such tools.

I am not naive regarding the challenges we face in ensuring that persons with disabilities around the world can benefit from the kind of education, employment, and housing access Americans with disabilities already enjoy here in the United States. I firmly believe the United States must continue to pursue this disability diplomacy on both a bilateral and multilateral basis where it is appropriate. But it is not at all clear to me that it is necessary to ratify this convention to achieve our goal of promoting disability rights and protecting the disabled from discrimination.

At the end of the day, I believe the proponents argue two contradictory positions: first, that it is really important that the United States ratify the convention so that nations will have to respect the rights of disabled persons. The second argument they make is that the United States need not be concerned about obligations under the treaty because it is not enforceable, it really has no effect on us.

Well, both things cannot be true. Either it is a problem or it is not effective. In either event, it is not an argument for ratification of the treaty. So while I respect the goals and the aspirations of the proponents, they do not justify committing the United States to another international obligation. As a result, I will oppose the resolution of ratification.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the time allegation?

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes, and the time in opposition has 8 minutes.

Mr. KERRY. Mr. President, the Senator from Arizona—it is my understanding that there is no other speaker on the Senator's side. I would simply ask if we could have an additional 5 minutes on this side, if the Senator would not object, and that would bring us to the vote at noon.

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

Mr. KERRY. Mr. President, let me just say to the Senator from Arizona before he leaves, the Senator and I have engaged on these issues for some years now, and we have disagreed respectfully and in a friendly way.

I would say to him, very respectfully, that there is no contradiction in the position of the proponents of this bill. While I understand what he said about China, the fact is that because China has signed up—and Russia and other countries—if we were a party to this and at the table discussing it, we would have greater leverage in order to be able to advance the rights of persons in China and elsewhere.

Now, don't take that from me, I would say to the Senator from Arizona. Guongcheng Chen is the blind activist for civil rights in China who has sought refuge in America for a brief period of time. His family has suffered in China, and he has written a letter to us. He says:

> Dear Senators,
>
> I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities. As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world today.

He goes on to say:

> I am hopeful that you will support ratification and allow others to benefit from these triumphs.

And he is referring to the Americans with Disabilities Act and the other things we have done.

I ask unanimous consent that this document of organizations supporting the treaty be placed in the RECORD.

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

THE COALITION FOR UNITED STATES RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

President Herbert Walker Bush; The Honorable Bob Dole; The Honorable Tony Coelho;; The Honorable Dick Thornburgh; The Honorable Steve Bartlett; Ambassador Boyden Gray; Mayer-Brown LLP: Carolyn Osolinik & Tim Keeler; Ted Kennedy Jr.; Howard Berman; John Wodatch; Dan Brezinski; Ray Kelley; Tom Zampiri; Access Living of Metropolitan Chicago: Marca Bristo; Alston & Bird LLP: Jennifer Butler; Bob Kettlewell; Consortium for Citizens with Disabilities; Disability Rights Education and Defense Fund; Glover Park Group; Eva Szeli Robert Dinerstein Hadar Harris Janet Lord Arlene Kantor Michael Stein; National Council on Disability; National Council on Independent Living; National Disability Leadership Alliance; United Spinal Association and 21 Veteran organizations; United States Chamber of Commerce; United States International Council on Disabilities: David Morrissey, Esme Grant, Susie Richard, Ellis Ballard, and Andrea Shettle.

Ability Chicago; Access Alaska Inc.; Access Living; Access, Inc.; ACCSES; Actionplay; ADAPT Delaware; Air Force Sergeants Association; Air Force Women Officers Associated; Alliance Center for Independence; American Academy of Child and Adolescent Psychiatry; Advocating 4 Kids LLC; American Academy of Pediatrics; American Association for Geriatric Psychiatry; American Association on Health and Disability; American Association on Intellectual and Developmental Disabilities; American Association of People with Disabilities; American Association for Psychosocial Rehabilitation; American Civil Liberties Union; American Council of the Blind.

American Counseling Association; American Dance Therapy Association; Anti-Defamation League; American Diabetes Association; American Foundation for the Blind; American Foundation for Suicide Prevention; American GI Forum; American Group Psychotherapy Association; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options and Resources; American Speech-Language-Hearing Association; American Therapeutic Recreation Association; amfAR, the Foundation for AIDS Research; AMVETS; APSE; ARC Gateway, Inc.; Arc Northland; Arc of Lucas county; Arizona Bridge to Independent Living (ABIL).

Association for Assistive Technology Act Programs; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living; Association of United States Navy; Association of University Centers on Disabilities (AUCD); Association on Higher Education & Disability; Attention Deficit Disorder Association; Auditory Sciences; Autism National Committee; Autistic Self Advocacy Network; Autism Speaks; Bay Area People First; Bay Cove Human Services, Inc.; Bazelon Center for Mental Health Law; Bender Consulting Services, Inc.; Best Buddies International, Inc.; BlazeSports America; Blinded Veterans Association; BlueLaw International; Boston Center for Independent Living.

Brain Injury Association of America; Bridge II Sports; Bridgewell; Burton Blatt Institute at Syracuse University; California Association of the Deaf—Riverside Chapter; CA State Council on Developmental Disabilities, Area Board 5; California Foundation for Independent Living Centers; California State Council on Developmental Disabilities; Californians for Disability Rights, Inc.; CBM; Center for Disability Rights; Center for Independent Living of South Florida, Inc.; Center for Leadership in Disability; Center on Disability and Community Inclusion; Challenged Conquistadors, Inc.; Check and Connect Program—Central Lakes College; Citizens for Patient Safety; Community Access Project Somerville; Community Access Unlimited; Community Alliance for the Ethical Treatment of Youth.

Community Resources for Independent Living; Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates; Consortium for Citizens with Disabilities; Consumer Advisory Committee; Council for Exceptional Children; Council of State Administrators of Vocational Rehabilitation; CUNY Coalition for Students with Disabilities; Daniel Jordan Fiddle Foundation; DAWN Center for Independent Living; Deaf and Hard of Hearing Alliance; Deaf Education And Families Project; Delaware Developmental Disabilities Council; Delaware Family Voices; Depression and Bipolar Support Alliance; Developmental Disabilities Institute, Wayne State University; Disabled American Veterans; Disability Connection/West Michigan; Disability Help Center; Disability Law Center; disABILITY LINK.

Disability Partners; disABILITY Resource Center; Disability Rights Coalition; Disability Rights Education and Defense Fund; Disability Rights Fund; Disability Rights International; Disability Rights Legal Center; disAbility Solutions for Independent Living; Disabled In Action of Metropolitan NYC; Disabled Rights Action Committee; Disabled Sports USA; Division for Early Childhood of the Council for Exceptional Children; Down Syndrome Association of Snohomish County; Down Syndrome Association of West Michigan; Dream Ahead the Empowerment Initiative; Dynamic Independence; East Texas Center for Independent Living; Easter Seals; ED101 Inc.; Equal Rights for Persons with Disabilities International, Inc.

Employment & Community Options; Epilepsy Foundation; Family Voices; Fearless Nation PTSD Support; Federal Employees with Disabilities (FEDs); FESTAC-USA (Festival of African Arts and Culture); FHI n360; Fiesta Christian foundation Inc.; 504 Democratic Club; Foundations For Change, PC; Four Freedoms Forum; Fox River Industries; FREED Center for Independent Living; Friedman Place; G3ict; Gallaudet University; GlobalPartnersUnited; Goodwill Industries International; Greater Haverhill Newburyport; Handicap International; HEAL; Hearing Loss Association of America.

Hearing Loss Association of Los Angeles; Hesperian Health Guides; Higher Education Consortium for Special Education; Human Rights Watch; IDEA Infant Toddler Coordinators Association; Independent Living, Inc.; Independent Living Center of the Hudson Valley, Inc.; Independent Living Center of the North Shore & Cape Ann, Inc; Institute for Community Inclusion: U. MA Boston; Institute for Human Centered Design; Institute on Human Development and Disability; Institute on Disability and Public Policy (IDPP); Inter-American Institute on Disability; International Ventilator Users Network; Iowa Statewide Independent Living Council (SILC); Iraq and Afghanistan Veterans of America; Jewish War Veterans; Johnson County Board of Services; Joint National Association of Persons with Disabilities; Just Advocacy of Mississippi.

KEY Consumer Organization, Inc.; KIDZCARE School; L.E.A.N. On Us; Lakeshore Foundation; Lakeside Curative Systems, Inc.; LINC; Little People of America; Living Independence For Everyone (LIFE) of Mississippi; Long Island Center for Independent Living, Inc. (LICIL); Loudon ENDependence; Mainstay Solutions LLC; Maryland Disability Law Center; Massachusetts Down Syndrome Congress; Massachusetts Families Organizing for Change; Medical Whistleblower Advocacy Network; Medicol Inc.; Mental Health Action; Mental Health America; MI Developmental Disabilities Council; Military Officers Association of America.

MindFreedom International; Mobility International USA; Montana Independent Living Project; Multiethnic Advocates for Cultural Competence, Inc.; National Alliance on Mental Illness; National Association for Children's Behavioral Health; National Association for Black Veterans; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Law Students with Disabilities (NALSWD); National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of State Mental Health Program Directors; National Association of States United for Aging and Disabilities; National Association of the Deaf; National Black Deaf Advocates, Inc.; National Center for Environmental Health Strategies.

National Center for Learning Disabilities; National Coalition for Mental Health Recovery; National Council on Independent Living; National Council for Community Behavioral Healthcare; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Dysautonomia Research Foundation; National Federation of the Blind; National Federation of Families for Children's Mental Health; National Guard Association of the United States; National Health Law Program; National Military Family Association; National Minority AIDS Council; National MS Society—Ohio Chapters National MS Society, Pacific South Coast Chapter; National Multiple Sclerosis Society; National Multiple Sclerosis Society, National Capital Chapter; National Rehabilitation Association; New York State Independent Living Council; Next Step; NHMH—No Health without Mental Health.

Noble County ARC, Inc.; Northeast Arc; Not Dead Yet; Ohio Association of County Boards; Serving People with Developmental Disabilities; Ohio Statewide Independent Living Council; Ohio Valley Goodwill Industries; Oklahoma Association of Centers for Independent Living; Optimal Beginnings, LC; Osteogenesis Imperfecta Foundation; PA Mental Health Consumers' Association; Paralyzed Veterans of America; Parent to Parent of NYS; Parent to Parent USA; Peer Assistance Services, Inc.; Peppermint Ridge; Perkins; PhilnthropyNow; Pineda Foundation for Youth; Polio Servivors Association; PPI; Purity Care Investments; PXE International.

Raising Special Kids; REACH Resource Centers On Independent Living; Recovery Empowerment Network; Rehabilitation International; RESNA Rolling Start Inc., Rose F. Kennedy University Center for Excellence in Developmental Disabilities; Sandhills Post-Polio Health Group; Schizophrenia and Related Disorders; Alliance of America; School Social Work Association of America; Self Advocacy Council of Northern Illinois; Sindh Disabled Development Society; SoCal ASPE; Social Assistance and Rehabilitation; for the Physically Vulnerable; (SARPV); Socio Economic Development; Alliance (SEDA); Southeast Alaska Independent Living; SPEAK Consulting LLC; Special Needs Advocacy Network; Special Olympics; Spina Bifida Association.

Statewide Independent Living Council; TASH Team of Advocates for Special Kids; (TASK); Teacher Education Division of the Council for Exceptional Children; Tennessee Disability Coalition; Tri-State Downs Syndrome Society; The Ability Center of Greater Toledo; The American Legion; The Arc-Jefferson, Clear Creek & Gilpin Counties; The Arc Arapahoe & Douglas; The Arc California; The Arc Cedar Valley; The Arc Michigan; The Arc Noble County Foundation; The Arc of Bristol County; The Arc of Colorado; The Arc of Dickinson; The Arc of Fort Bend County; The Arc of Greater Pittsburgh; The Arc of Illinois; The Arc of Iowa.

The Arc of Massachusetts; The Arc of Northern Virginia; The Arc of Opportunity in North Central Massachusetts; The Arc of the U.S.; The Arc of Virginia; The Arc of Toombs County; The Arc Western Wayne; The California Institute for Mental Health; The Center of Rights of Parents with Disabilities; The Jewish Federations of North America; The Joseph P. Kennedy, Jr. Foundation; The National Council on Independent Living; The National Center of the Blind Illinois; The Starkloff Disability Institute; Three Rivers Center for Independent Living; Topeka Independent Living; Resource Center; Touchpoint Group, LLC; Tourette Syndrome Association; Treatment Communities of America; Tri count4y ILC.

Tri-County Association of the Deaf, Inc., Twin Ports Post Polio Network; United Cerebral Palsy; United Spinal Association; U.S. Business Leadership Network; United States International Council on Disabilities; Utah Assistive Technology Foundation; Vermont Center for Independent Living; Vermont Family Network; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of American; Voices of the Heart Inc; Whirlwind Wheelchair International; Womens Refugee Commission; WORK, Inc., World Institute on Disability; Wounded Warrior Project; Wyoming Institute for Disabilities.

Mr. KERRY. Over 328 veterans and disability organizations, all of our veterans organizations, who deal with people with disabilities and challenges support this treaty and believe it will make a difference.

So when the Senator says: I don't believe it will make a difference, every working member of the disabilities community disagrees with the Senator.

I would just say to him respectfully that the facts are clear. He said this ties our hands. It doesn't tie our hands. Senator LEE came to the floor earlier, and he agreed this doesn't require any change of U.S. law.

So I would say to my friend, there is no tying of the hands. We understand the fears people have, but I think it is important to try to decide this on the basis of fact.

I yield to the Senator on his time.

The PRESIDING OFFICER. As per the previous request, without objection, it is so ordered.

Mr. KYL. First of all, I want to say to my colleague from Massachusetts that I very much have enjoyed the conversations we have had, and perhaps more so when we have been in disagreement because I think we have brought out a number of important points on a variety of issues. So I always appreciate his views. Secondly, since the Senator has specifically referred to the points I have made, let me just respond in one way.

I don't gainsay the argument that people who have a deep belief in trying to pursue a particular human right or other goal believe that getting together in the international community and talking about these things is a useful exercise. It is hard to argue in the abstract with that proposition, so I can understand the letters that would be written.

The hard reality is, however, that there are nation states such as China that do like to sign up to these organizations and gain the reputation for doing good things while, in fact, not doing things, as I pointed out. So to some extent it can serve the opposite goal of giving cover to countries that really have no intention of acting in good faith or in good ways that we have demonstrated as the United States, and that is one of the problems here.

I do acknowledge, and I will not use any more of the Senator's time, but when one of two things is true, either it is fairly meaningless or it is really meaningful. I don't think that we can make both arguments as arguments in support of our signing up to the treaty.

Mr. KERRY. Well, we obviously differ on that.

Let me emphasize the importance of the 328 groups, and I have submitted that for the RECORD.

We are going to vote in a few minutes, and we are going to vote on a treaty that I regret to say some people

are making controversial when, in fact, it really isn't controversial.

What this treaty says is very simple: It just says that people can't discriminate against the disabled. It says other countries have to do what we did 22 years ago when we set the example for the world and passed the Americans with Disabilities Act.

In four simple words, this treaty says to other countries that don't respect the rights of the disabled: Be more like us. That is what we are asking people to do. It doesn't require any changes to American law, zero. This has no tying of the hands of America. There isn't one law in the United States that would be negatively affected. But it will push, it will leverage, it will require other countries by their commitment to be held accountable to the standard that we have set and take our gold standard and extend it to the rest of the world.

There are three reasons I have heard that we can't do this. When I hear them, I am reminded of what I learned when I was a prosecutor, which was quite a few years ago now. I learned: If the facts are against you, then argue the law. If the law is against you, then argue the facts. If both are against you, just make it up.

Well, that is exactly what is happening here. Neither the law nor the facts support any argument that has been made on the other side of this treaty. Accordingly, we are facing an entirely fictitious set of arguments—on abortion, on homeschooling, on lameduck sessions. All of their arguments have been contradicted by the facts in the law, and let me document that.

This treaty is based on the Americans with Disabilities Act. We passed that 20 years ago.

The father of the act is sitting here, the Senator from Iowa. In all those 20 years, has any child been separated from a parent because of the ADA? No. Has homeschooling been hurt? No. In fact it has grown and is flourishing across the Nation.

How is it possible a treaty, that according to our Supreme Court offers no recourse, no change in American law, no access to American courts, how is it possible that such a treaty could threaten anybody in our country? The answer is simple: It doesn't and it can't.

Well, let's go through the arguments one by one. First, they say it would undermine our sovereignty. I have heard several people suggest that, the laws governing the disabled. Well, that is wrong. Senator LEE just admitted it doesn't affect any law in the United States. All it does is create a committee on the rights of persons with disabilities.

What can this committee do? All it can do is review reports and make a suggestion. Are we scared, in the United States of America, of someone making a suggestion to us about how we might do something? It has no recourse in the court, no legal standing.

The Foreign Relations Committee even included language in the resolution of advice and consent to make it crystal clear. What are we afraid of? That the committee would give us this advice?

The second misconception is that this will allow the Federal Government, acting under U.N. instructions, to determine what is best for children with disabilities. Again, that is just flat wrong. The treaty does not give the Federal Government or any State government any new powers with respect to children with disabilities. It doesn't change the balance of power between Federal and State government. It doesn't require any change to existing State or Federal law.

The Justice Department, former Republican Attorney General Dick Thornburgh, testified before the Foreign Relations Committee that any assertion to the contrary is incorrect. Our committee even included language in the resolution of advice and consent to absolutely crystallize those limitations.

Finally, there are those who argue that a lameduck session is an inappropriate time for Senators to consider this treaty. Well, my colleagues, please, since the 1970s alone, the Senate has approved treaties during lameduck sessions a total of 19 times. There is nothing special or different about a lameduck. It is a session of the Congress. Just as we are going to consider important fiscal matters, we should consider other important matters.

Our constituents expect us to do our jobs. There is no difference between a lameduck, a dead duck, or a regular duck. We ought to be here doing our jobs.

More than any of the straw men, though, that we would have to deal with in this debate, there is, in fact, something much bigger at stake. This treaty and this vote will say a great deal about who we are in the Senate and who we are as a country.

In the nearly 30 years I have been here, I think this is the first time I have seen a former majority leader of the Senate come to the Senate floor for a vote. It is certainly the first time that I have seen it happen when he had every right to be at home at age 89 taking care of his health, but that is not Bob Dole.

Almost 70 years ago, when he came home to Kansas from the battlefields of Italy in a full body cast, people said that Bob would never have to work another day in his life. That is what they said; he was a hero; he had made his contribution. But Bob Dole worked every single day to stand, to walk, and to use his arms again. He made himself get out of that bed, and he made himself a public servant and a U.S. Senator and the Republican nominee for President in 1996. But his greatest pride was passing the Americans with Disabilities Act.

Bob Dole, why is he here? He is not here because he is here to advocate for the United Nations, and certainly this man who served his country is not here because he doesn't want to defend the sovereignty of the United States of America. He is here because he wants to know that other countries will come to treat the disabled the way we do.

He is here because he wants to know that when a disabled American veteran, our wounded warriors, travel overseas, they are treated with the same dignity and respect they receive at home. That is why an 89-year-old veteran, 1 week removed from Bethesda Naval Hospital, comes back to the Senate on an early December day. Because it matters.

What we do in the Senate matters not just to us but to people all across the globe, and maybe some people here need to be reminded of that. This is not about politics, this is not about ideology, this is about people.

This treaty helps thousands of vets, men and women, who paid the price of devotion to our country with their limbs—with their limbs—and they struggle every day to get up, button their shirts, get out of the house. Some of them struggle to be able to share in life as all of us are able to share in it.

I met one of them yesterday, Army Afghan vet Dan Berschinski, a double amputee as a result of the war in Afghanistan. He has fought back, and he has recovered enough to create a small business. Here is what he said, this West Point grad of 2007:

> I'm proud to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for veterans like me who struggle to walk, or use a wheelchair. Very fortunately for me, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages granted here at home—that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.
>
> Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined—

And I am speaking for him—

> a few friends in a trip to South Africa to watch the World Cup.
>
> There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. Would the restaurant have an accessible bathroom or would I have to go without it? Would my wheelchair be able to fit in the hotel doorway or would I need to be carried into the lobby? Those are the kinds of questions we take for granted here in America, but, unfortunately, the accessibility measures we enjoy here simply aren't present in many other countries.

That is why Bob Dole and CPT Dan Berschinski want us to approve this treaty. I have heard nothing from the other side that outweighs the reality of that consideration for not just veterans but all persons with disabilities.

What is at stake here is big. The outcome here will not, despite the fear, change one election here in the Senate. It is not going to decide one of the primaries that I fear are distorting the

politics of our country. But you know what, it will decide whether some people live or die in another country, where there is no accountability and only United States values and standards are the difference to the prospects of someone with a disability.

In some countries children are disposed of—killed—because they have a disability. Our treaty can actually help prevent that. In some countries children do not get to go to school and certainly have no prospects of a future simply because they are born with a disability. This treaty will help offer hope where there is none. The United States could actually sit at the table and make the difference for people with disabilities because we are willing to push our values and hold other nations accountable to meet our standards—the gold standard of the Americans with Disabilities Act.

Mr. President, I have heard some of my Republican colleagues talk many times about making the rest of the world more like America. I hate to think that now, when we have an opportunity to do that, they will retreat from that core conviction and oppose a treaty modeled on the United States' example which has no recourse in American courts and no effect on American law.

This treaty isn't about American behavior, except to the degree that it influences other countries to be more like us. This treaty is about the behavior of other countries and their willingness to raise their treatment of people with disabilities to our level. It is that simple. This treaty isn't about changing America, it is a treaty to change the world to be more like America.

So why join, I have heard my colleagues ask several times. If it doesn't have recourse in the law, why join? I will tell you why: Because we can sit at the table and affect the lives of our citizens by pushing other countries upwards; because we gain credibility and accelerate change through our advocacy by being part of a process; because it is good for American businesses, which can sell products and services as other nations raise their standards and need our expertise to meet their goals. That is why, incidentally, the United States Chamber of Commerce supports this treaty as do a huge number of businesses.

Why support it? Because George H. W. Bush started this process and President George W. Bush signed the treaty to participate in it. And because, in the end, this treaty and our participation in it—and this is the most important—can improve the quality of life for people with disabilities. To join it is to keep faith with the men and women who have suffered grievous disability in defense of our Nation, and we owe them nothing less. This treaty is not about changing America, it is about America changing the world.

But a vote here is a test of this institution. This vote is a test of whether the Senate, which passed the Civil Rights Act and the Voting Rights Act and the Americans with Disabilities Act, is still capable of voting to change things, not to mention sending a message that could change the world.

I ask my colleagues to do for the world what they have done for America, walk down the aisle here for millions everywhere who cannot walk and make a statement; raise your voice and vote for millions who are voiceless in their own lands; stand for those who cannot stand for themselves. This is not about the United Nations, this is about common humanity. This vote is to test to see whether the Senate will stand for those who cannot see or hear and whether Senators can hear the truth and see the facts.

Please don't let Captain Berschinski down. Don't let Senator Bob Dole down. Most importantly, don't let the Senate and the country down. Approve this treaty.

The PRESIDING OFFICER. The question is on agreeing to the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

Mr. REID. 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 bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—61

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

NAYS—38

Alexander	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Hutchison	Rubio
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kyl	Vitter
DeMint	Lee	Wicker
Enzi	McConnell	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Two-thirds of the Senators present not having voted in the affirmative, the resolution of ratification is not agreed to.

The majority leader.

Mr. REID. Mr. President, we hope shortly after the caucuses are ended today that we will have a vote on final passage of the Defense authorization bill. The managers have a few more amendments they are going to try to clear, but I think very quickly after the caucus we will have a vote. ''Very quickly'' around here is kind of a relative term, but we hope to do it as soon as we can.

Mr. LEE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Michigan.

THE FISCAL CLIFF

Ms. STABENOW. Mr. President, I rise to bring attention to a critically important piece of legislation the Senate has passed and the House needs to pass immediately. It passed the Senate with bipartisan support. There are those on both sides of the aisle in the House of Representatives who support passing it. I am here to urge, in the strongest terms possible, that the Speaker bring up this bill before the House and get it passed.

Many people, because of my speaking in the past, may think I am referring to the farm bill, which I also believe we need to have the House take up and pass because of our bipartisan work. But I actually am referring to the fact that we have only 27 days until we go over the fiscal cliff. For middle-class families what this means is 27 days before their taxes go up on average $2,200.

What we are talking about is the fact that we passed a bill. We did not just pass a bill, we passed a bill in July. July 25 of this year the Senate passed a bill to extend tax cuts on all income up to $250,000. That is for anyone. It is now sitting in the House and everybody agrees middle-class families should not get a tax increase. Yet they have not taken it up. This needs to be taken up and passed before the end of the year so we can make sure middle-class families do not get caught in what we are talking about, which is the fiscal cliff.

For a family on a budget, $2,200 more in taxes means a lot of things. It means a lot of things as families are trying to figure out how to pay for Christmas this year. It is not an accident that we

are seeing layaway becoming very popular again as families are trying to figure out how to make sure their children have the Christmas they want to give them, yet juggle their cash flow situation in trying to figure out how to pay for it and pay the bills. That $2,200 will make a huge difference to millions of families. It is the difference between just paying the regular bills—utility bills, the mortgage, the rent, the car payment.

There is absolutely no reason families should find themselves in this situation right now when they are worried about this, absolutely none. As I said before, we passed a bill on July 25—not August, not September, not October, July 25—to get this issue off the table. We know there are broader issues on which we have to come together. There has to be a balanced approach, we know that, on long-term deficit reduction. But we said in the Senate, on a bipartisan basis, we do not want middle-class families caught in the middle of that. We do not want them being held hostage in order to get an additional tax break for multimillionaires.

It has been 132 days since the House Republican leadership got that bill. For 132 days they have been refusing to take it up. I commend the Democratic leader in the House, NANCY PELOSI, for now bringing forward a discharge petition to bring that directly to the floor. I think it is widely believed—I certainly believe—that there are enough votes on the floor of the House to pass this, to make sure middle-class families do not see an additional $2,200 coming out of their paychecks starting in January.

For 132 days families have been waiting for their own economic certainty. Yet it still has not been taken up in the House. Christmas is 3 weeks from today. This is the worst possible time to create uncertainty for families across America. We also know this is about hurting the economy. It is a drag on consumer spending not to continue the tax cuts—consumer spending which makes up about 70 percent of the economy. So there is a direct relationship between what happens in growing the economy and what happens for middle-class families. Now we have 27 days for the House to get this done. There are 27 days to stop holding middle-class families hostage while we work out a larger agreement on what needs to be done on deficit reduction. All we need to do is to pass the Senate bill.

Let me repeat. By extending this particular bill, every American will get a tax cut on their first 250,000 in income. The good news is that involves tax cuts for 98 percent of American families; 98 percent of American families will be protected from seeing any kind of a tax increase—and 97 percent of small businesses, by the way. So if someone has $1 over $250,000, they would not be protected from a tax increase. They would get the first $250,000 in tax cuts, but they would not get additional bonus tax cuts on top of that. This makes sure 98 percent of the American people do not see their taxes go up, and those who benefited the most by the tax cuts in the last decade will be able to step up and be part of the solution on deficit reduction, which the vast majority of people in this country agree is fair.

People in Michigan are worried about what is going to happen. They come to me in the grocery store. I received many e-mails and calls to my office and meetings, on Facebook and Twitter. People in Michigan understand that $2,200 more coming out of their pockets next year can be devastating.

Terri from Lansing told me she unexpectedly lost her job when her company went out of business and had to struggle in foreclosure, similar to many people, and used her Roth IRA to get by. ''I am part of the baby boomer generation and now I live paycheck to paycheck, just barely surviving.''

Two thousand dollars makes a huge difference.

Zelda from Washington writes that $2,200 is our groceries for 4 months; 4 months of groceries for Zelda's family. That is what we are talking about if the Senate bill does not get passed by the House.

Carol from Michigan writes:

> I am a retired grandmother getting a State pension and Social Security. I also have three teenage grandchildren living with me.

That is not a new story for many people—''three teenage grandchildren living with me.''

> Any increase in anything might break me.

Thomas from Grand Rapids writes:

> I will most likely have to find a job to make ends meet. So much for being retired.

Again, so many families, so many individuals find themselves in this situation. They think they have planned for their retirement and now cannot count on what they thought would be there. They watch this and the fact that we have a choice to make sure tax cuts continue for 98 percent of the American families, middle-class families, that everybody gets a tax cut up to $250,000 a year. Yet the House Republicans will not even bring it up for a vote because they want extra tax cuts for multimillionaires? They look at that and they say: What, are you crazy? This makes absolutely no sense.

President Obama ran on a plan to end the tax breaks for millionaires; basically, that plan that passed the Senate, by the way, on a bipartisan vote. He ran on a plan that would say those savings would then be applied to deficit reduction. We know that is so critical.

We saw what people thought about that. He was reelected by a wide margin. The American people want us to come together, to work together in a bipartisan way to reduce the deficit, and they support the approach that starts by making sure middle-class families are not once again asked to pay for the full burden of what needs to be done. They support an effort that says extend tax cuts for middle-class families and ask those at the very top who have gotten extra tax cuts to forgo those and chip in to be part of the larger deficit reduction solution.

Unfortunately, yesterday Speaker BOEHNER ignored this when he offered a Republican counterproposal to the President's proposal that would essentially raise taxes on middle-class families and cut Medicare for our senior citizens. As Senator REID said yesterday, ''It flunks the test of balance.''

To get the kind of revenue to reduce the deficit that is needed, that we all agree has to be done, their plan does some radical things. Their idea of revenue is to continue the tax cuts for any income above $250,000 for multimillionaires and, instead, to get rid of tax deductions used by middle-class families. So middle-class families might not have a mortgage deduction on their home that millions of people rely on; the student loan deduction for middle-class families that is allowing college to be more affordable; the charitable giving deduction that middle-class families rely on when they donate to churches and other nonprofits; the marriage penalty; the child credit; the mortgage tax relief deduction I offered to make sure if someone has to do a short sale at the bank, they do not pay extra taxes.

That is important for everyone to understand; that we—and I am speaking now as a Senate majority—are not going to balance the budget on the backs of middle-class families. We are not going to balance the budget, reduce the deficit by asking middle-class families who had the biggest hit of anybody with everything that has happened in the recession—and I certainly can speak for Michigan on this—we are not going to put the burden on middle-class families one more time. That is not what this is about.

On election day 60 percent of voters said they wanted to end the extra tax breaks for people making over $250,000—for income over $250,500. Yet the House Republican leadership wants to welcome middle-class families into the new year by having their taxes go up on average $2,200. As Zelda from Michigan said, that is 4 months of groceries. No way. There is no way I am going to support letting that happen.

Thankfully, we do have Republican colleagues who join us wanting to get this passed. We did in the Senate and those speaking out in the House and I commend them. Congressman TOM COLE from Oklahoma stated the obvious last week—and I encourage and congratulate him for speaking out. He said Republicans should immediately extend the tax cuts for families making under $250,000 a year. That is what he said. I agree with that. His Oklahoma constituents praised him. His constituents praised him. Unfortunately, his leadership dismissed him. The Washington Post reported that 70 percent of the calls to Congressman COLE's Washington, DC, office are positive and that 90 percent of his calls back home in Oklahoma—90 percent—have supported his position.

Congressman COLE knows he should be listening to his constituents, and he is. If we all listened to the people we represent and if the House leadership listens to the people of this country and those they represent, they will pass the bill we sent to them in July.

If taxes go up for middle-class families on January 1, people are going to know who is responsible for letting that happen. I urge House Republican leadership to take up S. 3412, the Middle-Class Tax Cut Act, pass it now, so the overwhelming number of families in this country have certainty going into this important holiday season and into the new year, so they can enjoy the season without knowing that their taxes are going to be going up on January 1. As of today we have 27 days before the vast majority of people in America—98 percent—see tax increases occur. It makes no sense, there is no reason for it to happen, and we have already passed a bill. If the House passes a bill, that is step one. Step one very clearly says we are all together on supporting the middle class continuing their tax cuts. We know there is more to do. We are fully prepared to do that. But step one is to make sure the middle class is not held hostage while the debate goes on about what should happen for the wealthiest few in this country.

I suggest the absence of a quorum.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Resumed.

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

A 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.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

Mr. WEBB. 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. WEBB. Mr. President, we are about to wrap up the Defense bill. This is the sixth Defense bill I have had the privilege of working on as a member of the Armed Services Committee. It is also the final Defense bill I will be working on as a Member of the U.S. Senate. I want to take this opportunity to say what an honor and privilege it has been to serve as a member of that committee and express my thanks to Chairman LEVIN.

As someone who began his time on Capitol Hill as a full-committee counsel on the House side many years ago and then spent 5 years in the Pentagon—often working over here on the Hill—and now after 6 years in the Senate, I can say that Senator LEVIN is a five-star committee chairman. He is what one always hopes for when he or she serves on a committee in the U.S. Congress. It has been a true honor.

This committee is an example of how committee work should be undertaken in the U.S. Congress. People like to say this is the 51st consecutive year we have, hopefully, been able to pass a Defense authorization bill. I would suggest to my colleagues that perhaps that example should be used more broadly in this body. I think it would make for good governance if it did.

I want to also express my appreciation to Senator MCCAIN, the Senator from Arizona. I have known him as a colleague and friend for more than 30 years. He comes from a family that has a long tradition of military service to our country that continues even until today. Senator MCCAIN and I have had occasional disagreements on the conduct of foreign policy, but I think it has been very rare that we have seen differently as to our views of how the Department of Defense should undertake its responsibilities.

As the subcommittee chair of the personnel subcommittee, I want to express my appreciation to my staff, Gary Leeling, Jon Clark, Brie Fahrer, and Jennifer Knowles. They have always been accessible and extremely professional. It has been a great privilege to work with them.

I also want to take a special moment of privilege here to recognize Gordon Peterson, who has been my military assistant throughout my time in the U.S. Senate. Gordon Peterson and I graduated from the Naval Academy in the same year. He was a very fine and respected athlete at the Naval Academy. He went on to become a helicopter pilot in combat in Vietnam. He gave our country 30 years of distinguished service as a naval officer. He was later the editor in chief of Seapower magazine, and was a special assistant to the Commandant of the Coast Guard. He has been unflagging in his attention to detail in everything we have worked on in the last 6 years.

We were talking a few days ago about whether either of us would have thought that during the days of our plebe summers so many years ago we would be sitting on the floor of the U.S. Senate as stewards of the well-being of our country and of the people who served it. I give a special thanks to Gordon Peterson as he moves on to other challenges in his life.

Again, it has been my privilege to serve on this committee.

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

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 (Mr. WEBB). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I wanted to come down and talk about an amendment I am working on to the Defense authorization bill. Last week Senator CORKER and I filed amendment No. 3049, which would create an open burn pit registry in the Defense Authorization Act.

Our veterans and Active-Duty members suffering from exposure to burn pits should not have to wait any longer. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings. However, I understand there is currently opposition to passing this amendment via a managers' package.

I would note that we have already passed two amendments dealing with veterans yesterday, both the Pryor amendment No. 3291 dealing with veterans employment and training and the Reed of Rhode Island amendment No. 3165 dealing with housing assistance for veterans. Both of these were outstanding amendments and help maintain the trust we have made to our veterans and our current servicemembers whom we have an obligation to care for when they have completed their service.

In both Afghanistan and Iraq, open-air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. I believe, like the rest of my colleagues, that if we are forever in debt to our veterans for their service, we must be asking this question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them. It is supported by numerous groups, including Burnpits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, the Uniformed Services Disabled Retirees, and the National Military Family Association.

I am hopeful that we can pass this amendment No. 3049 through a unanimous consent agreement, but I respectfully request a vote at this time if no such agreement can be made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. COBURN. I just wanted to spend a few minutes talking about Reed amendment No. 3255 and to point out to my colleagues I know this amendment will pass, but I believe we ought to be on record as voting to add $1.7 billion in additional funds that our kids are going to pay for.

This is paid for, but it is smoke and mirrors. We have used a trick in how we do this. Ultimately, what is going to happen is here is another bill that will require funding from the health account at the Pentagon, which is in operations and maintenance, which means we will not have $1.7 billion for naval exercises, for flight training, for tank training, for range training. In other words, out of this account is where it comes to all the preparedness.

I must give President Obama credit. He has recommended what the committee recommended doing for the last 2½ years. Now we have an amendment that takes where the committee went to, actually, a small copay, increasing copay on pharmacy benefits for retirees, and reverses that and forces our veterans to have to use mail order. I am OK with mail order. I know we save a lot of money with that, but the CBO says as soon as we stop this one year, the mandate is going to go back the other way and the cost is going to be this amount of money. They have met the literal requirements of pay-go, but they haven't met the functional requirements. Here we have another amendment that we will take out of the operations and maintenance account, and that is important. But the most important issue in this debate is we continue to want to have benefits for our retired military that are growing faster than the rate of inflation—certainly faster than—and not have them help pay for the increase in the benefits.

We have $16.4 trillion worth of debt this morning. We have $88 trillion worth of unfunded liabilities, and now we are at this juncture where we are having a discussion between the Speaker of the House and the President on how we get over the fiscal cliff and start to solve some of these problems. We have an amendment put up because there is a very powerful force, all the service organizations and everything else, that said don't do this.

Everybody in our country, if we are to get out of the problem, is going to have to pay a small sacrifice. This is not a large amount of money, unless you are absolutely destitute, in terms of the copays. The President has recommended we do that, the committee recommended it and we are reversing it and using the gimmick so there can't be a budget point of order on it.

There will be a time in the not-too-distant future when the decisions to control our future will be out of our hands in terms of the economics and the debt. Delaying that now, because we do not want to yield against the popular criticism, will cause us to pay a further great price. The very people who are going to be asked to contribute as part of fixing our country are going to be paying a greater price.

I just received a book from our colleague, the Senator from Rhode Island, SHELDON WHITEHOUSE. I received it today, and I have already finished half of it. It has a wonderful introduction. I would recommend to all my colleagues—I know they will get one—to read it. It is a collection of thoughts and sayings. If we read what Daniel Webster said, we read what Benjamin Franklin said, and we read what Winston Churchill has said about bowing to the public pressure rather than doing the best right thing, we will not regret it.

This is a popular amendment. It is going to pass. The service organizations want us to do it, but it is not the right thing to do. We have to begin, as we negotiate, to increase revenues from the very wealthy in this country, declining expenses at the Defense Department; everybody has to share, everybody in America. If they don't share now, they will share much more painfully in the future.

I don't have anything else to say on this other than I will vote against it, not because I want veterans to have to have a copay but because I want our country to get out of the hole we are in. Part of the sharing of that is a copay on retail pharmacy.

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. MCCAIN. As we are wrapping up, I would like to tell the Senator from Oklahoma he is correct.

Former Secretary of Defense Gates, probably the most respected Secretary of Defense we have had in many years, said, ''Health care costs are,'' in his words, ''eating us alive.''

None of us, I don't know a single Member of this body, no matter where they are, who doesn't want to make sure our veterans are cared for, the widows, the orphans, the veterans, as Abraham Lincoln described them. We are going to have to find ways to bring these costs under control and still, at the same time, provide our veterans with the benefits they have earned.

I know of no one who joined the military because of TRICARE—I hear from all the retirees and all that—they joined the military because of TRICARE. I have not yet met a single 18-year-old, including my own son, who joined the Marine Corps who said: Gee, I want to join the Marine Corps because of TRICARE. No, they joined the military because they want to serve their country.

They understand our obligation to them is not to hand them a bankrupt Defense Department, that all the costs are in things such as TRICARE and retirement benefits and other personnel costs so we can't provide them with what they need to fight.

I understand the positions of the veterans groups in this country. I respect them, I love them, and I appreciate them. But we are going to have to get serious about entitlements for the military just as we are going to have to get serious about entitlements for nonmilitary.

I admit our veterans are in a special category. No group of Americans has been willing to serve and sacrifice as our veterans have, although there are certainly other Americans who sacrifice and serve in many other ways.

I say to my friend from Oklahoma, I look forward, perhaps next year—I hope the Reed amendment will not be proposed at this time. We need to sit down with the chairman, and we will have to have some hearings to find out what these future costs of health care will be. For example, I believe it has gone now from 11 percent—health care costs have gone from 11 percent now to 13 percent of the entire defense budget, and it will continue higher. We can't keep doing that.

We adopted an amendment by Senator GILLIBRAND on autism services. The way it is written will require an increase of $1.7 billion over the next 10 years and no way to pay for it. I appreciate the dedication of the Senator from New York, but her answer was: We would like to work with you on that.

We have to do more than work on it. We have to solve it. All I can say is while we are waiting, I hope we understand that here it is. The DOD health care costs represent nearly 11 percent of the total budget request for DOD, and it will continue to rise to more than 13 percent. Then it will go even higher and higher and higher.

There was an editorial in the Washington Post today that says, ''Time to Rein in TRICARE.'' It says, in part:

> . . . the administration plans cuts, including shrinking the Army and the Marine Corps. This is risky, given the potential threats the United States faces.

Unfortunately, Congress is compounding the problem by protecting expensive items that inflate personnel costs without any corresponding payoff in defense readiness.''

So I would urge my colleagues to pay attention to the editorial in the Washington Post, ''Time To Rein In Tricare,'' because I think it is important for us to understand.

Let me quote from the article:

> Tricare's costs have surged in recent years from $19 billion in fiscal year 2001 to $52.8 billion in fiscal 2011.

I repeat: In 2001 TRICARE costs were $19 billion. In 2011 it was $52.8 billion.

> Much of the growth was driven by Congresses' 2001 decision to add what is essentially a free Medigap plan for retirees over 65. But the main issue is the ultra-low fees and deductibles—which give retirees still of

working age little incentive to economize or choose employer plans. President Obama's budget plan would save $12.8 billion over five years by gradually increasing working-age retirees' annual enrollment fees, with lower-income retirees paying the least, and then adjusting them according to national health spending growth thereafter.

We would not be doing any of that with this bill. We would not be doing any of that. But I would argue this is not the time now, as we finish with this bill, to add another additional cost that we have not found ways to pay for, which consumes a larger and larger part of the defense budget.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in a moment I am going to note the absence of a quorum unless there is someone who wishes to speak.

I want to try to work through this pending issue. I think it is the last issue we need to work through in some way before there will be a unanimous consent request that is propounded. If we can figure out the best way to handle this, and then offer a unanimous consent request, we will be able to reach the end of the bill this very day.

So I suggest the absence of a quorum.

Oh, I withhold that.

Mr. McCAIN. I would just ask my friend—I understand we have a managers' package—is it his preference we have the managers' package done at the same time as the UC; do that together?

Mr. LEVIN. It is.

Mr. McCAIN. Hopefully, we will do that shortly.

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.

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

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

AMENDMENTS NOS. 2927, 3019, 3062, 3113, 3175, 3241, 3242, 3277, 3285, 3226, AND 3117

Mr. LEVIN. Mr. President, I call up a list of 11 amendments which have been cleared by myself and Senator McCAIN: Kyl amendment No. 2927, as modified by the changes at the desk; Akaka amendment No. 3019; Toomey amendment No. 3062; Brown of Ohio amendment No. 3113, as modified by the changes at the desk; Rubio amendment No. 3175, as modified by the changes at the desk; Carper amendment No. 3241; Carper amendment No. 3242; Thune amendment No. 3277, as modified by the changes at the desk; Moran amendment No. 3285, as modified by the changes at the desk; Bennet amendment No. 3226, as modified by the changes at the desk; and Hatch amendment No. 3117, as modified by the changes at the desk.

Mr. McCAIN. These amendments have all been cleared on this side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2927, AS MODIFIED

At the end of title XXXI, add the following:

Subtitle D—Other Matters

SEC. 3141. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the ''advisory panel'') to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the ''Administration'') to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the speaker of the Committee on Armed Services of the House of Representatives.

(B) Three by the minority leader of the House of Representatives.

(C) Three by the majority leader of the Senate.

(D) Three by the minority leader of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The speaker of the House of Representatives and the majority leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The minority leader of the House of Representatives and the minority leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel, in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The report shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, as well as the national security laboratories, and other Federal agencies, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the administration should operate more independently of the Department of Energy while reporting to the President, through the Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than $1,000,000 shall be made available to the advisory panel to carry out this section.

(f) SUNSET.—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

AMENDMENT NO. 3019

(Purpose: To amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program)

At the end of subtitle H of title X, add the following:

SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

AMENDMENT NO. 3062

(Purpose: To require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts)

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

SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

AMENDMENT NO. 3113, AS MODIFIED

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

SEC. 888. SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term ''covered base closure area'' means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a hubzone the purposes of the Small Business Act (15 U.S.C. 631 et seq.) During the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a hubzone for purposes of the Small Business Act (15 U.S.C. 631 et seq) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

AMENDMENT NO. 3175, AS MODIFIED

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

SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) the Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain the operational capability of and perform the necessary maintenance in each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy's 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

AMENDMENT NO. 3241

(Purpose: To repeal or modify certain mandates of the Government Accountability Office)

At the end, insert the following:

Subtitle ____—GAO Mandates Revision Act

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''GAO Mandates Revision Act of 2012''.

SEC. __02. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

AMENDMENT NO. 3242

(Purpose: To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending)

(The amendment is printed in the RECORD of Thursday, November 29, 2012, under ''Text of Amendments.'')

AMENDMENT NO. 3277, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106–65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical

characteristics to restore essential military capability;

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangements and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

AMENDMENT NO. 3285, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

AMENDMENT NO. 3226, AS MODIFIED

At the end of subtitle F of title V of division A, add the following:

SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(2) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210.

''(3) ELIGIBLE SCHOOL.—The term 'eligible school' means—

''(A) a public school, including a charter school, at which—

''(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

''(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

''(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

''(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term 'high-need school' means—

''(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

''(C) a school that is in a local educational agency that is eligible under section 6211(b).''.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

''(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program') to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking ''6 or more years'' and inserting ''4 or more years''.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

''(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.''; and

(B) by striking subsection (f) and inserting the following:

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

''(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

''(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

''(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

AMENDMENT NO. 3117, AS MODIFIED

At the end of subtitle C of title III, add the following:

SEC. 322. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense instructions regarding assignment of program responsibility.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that the only additional first-degree amendment remaining in order to the bill be the following: McCain amendment No. 3262, on Syria, as modified with changes that are at the desk; that there be 20 minutes equally divided in the usual form on the amendment; that any remaining time prior to 4:30 p.m. be equally divided between the chairman and ranking member for general debate on the bill; that at 4:30 p.m., all postcloture time be considered expired; that the Senate proceed to votes in relation to the McCain amendment, as modified; that no amendments be in order to the amendment prior to the vote; that

upon disposition of the McCain amendment, the Senate agree to the pending Kyl amendment, which is a Kyl-Kerry amendment, No. 3123, as modified; that upon disposition of the Kyl amendment, the Senate proceed to a vote on passage of S. 3254, as amended; that upon passage of S. 3254, the Armed Services Committee be discharged from further consideration of H.R. 4310 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 3254, as amended and passed by the Senate, be inserted in lieu thereof; that H.R. 4310, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement, all with no intervening action or debate; and finally that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank all of our colleagues.

Madam President, I ask unanimous consent that I be added as a cosponsor of the McCain amendment and that Senator COONS also be added as a cosponsor of the McCain amendment.

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

The Senator from Arizona.

AMENDMENT NO. 3262, AS MODIFIED

Mr. MCCAIN. Madam President, I call up amendment No. 3262, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] roposes an amendment numbered 3262, as modified.

The amendment is as follows:

AMENDMENT NO. 3262, AS MODIFIED

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) ADDITIONAL GOALS.—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

Mr. MCCAIN. Madam President, I believe the Senator from Kentucky is here to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, the amendment before us requires that the President submit a plan for a no-fly zone for Syria. I want to compliment the authors for including in this amendment a clause that says nothing in this amendment shall be construed as a declaration of war or an authorization for the use of force. I think it is very important in our Nation today that we are not saying we are starting, beginning, or getting involved in a new war.

However, I do think this amendment is ill-advised for two reasons. No. 1, I don't think I know with certainty whether the Syrian rebels will be freedom-loving, tolerant, constitution-toting believers in a republican form of government or whether they will institute an Islamic republic that will have no tolerance for Christians and no tolerance for people of any other faith.

It still remains to be seen whether a secular government will be established in Libya, Tunisia, or Egypt. There is the question of whether al-Qaida is more or less of a threat in Libya today since the rebels have won the civil war. I don't think we know for certain what a rebel government in Syria will do with the 1 million Christians who live in Syria.

Since the Iraq war, hundreds of thousands of Christians have fled Iraq and gone to Syria. Even after the war, apparently Syria was seen as more of a tolerant nation than Iraq. Will a rebel Islamic government in Syria tolerate or persecute Christians? Will a rebel Islamic government institute the death penalty for blasphemy, for conversion, or for apostasy? Will they have a true democracy, a secular government, or will they have a Syrian rebel government that is less tolerant than what they currently have? In many ways the Arab spring has become the Arab winter.

In Egypt we have a leader from the Muslim Brotherhood who recited amen when a radical cleric stood up and said: Death to Israel. As a radical cleric said: Death to Israel and anyone who supports them, this Muslim Brotherhood leader of Egypt that came out of the Arab spring is nodding his head in assent and seemed to be chanting amen.

Will they seek peace with Israel or war? Will the Syrian rebels seek a secular government or one ruled by Shari'a? I think there are many unknowns we need to be asking ourselves before we involve ourselves in a civil war.

Secondly, I think it is a bad idea to discuss contingency plans for war. While I am in favor of the Senate retaining our prerogative to declare war, I believe that the details of the execution of war are in the purview of the Executive. In other words, we do have the power to begin or to not begin a war. That is the power the Constitution gave us, but I don't think the Constitution intended to have 535 generals. I don't think it intended to have us explicitly talking about every contingency plan for every possible war in every corner of the globe.

Our Defense Department, no doubt, has contingency plans for a ballistic missile attack on the United States, a conventional land invasion, naval or air encounters throughout the world, but we don't necessarily openly discuss them or encourage them. I don't think it is best to openly discuss these plans for defending against an attack and especially not for involving ourselves in a civil war.

Our Nation and our soldiers are weary of war. Our Nation yearns for leaders who will strive to keep us out of war. Our Nation yearns for leaders who are reluctant to begin a new war or get involved in a new war. I hope my colleagues today will not encourage a rush to war by publicly clamoring for a plan to become involved in Syria's civil war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to speak in favor of amendment No. 3262, which I am honored to cosponsor with Senators MCCAIN and LEVIN. I thank the Senators for their disciplined, diligent, and very strong leadership of this year's NDAA process. This is an authorization bill that has been taken up and considered by the Senate for 52 years, and despite a lot of challenges and a lot of difficulties we had getting to bills, getting past objections, getting to reasonable processes and amendments, these two fine Senators have led admirably in a very difficult environment.

This amendment does what I think we need to do next, to put before the Senate in an appropriate classified setting useful information about the possibilities before us and before our allies in a very difficult and very complex region that is, as Senator PAUL has noted, currently undergoing dramatic conflict.

Let me speak to a few points that persuaded me to join Senator MCCAIN and Senator LEVIN in cosponsoring this amendment.

First, despite the comments from my colleague from Kentucky, these plans will be delivered to the Senate in classified form. They will not be accessible to the general public, and they will not be broadcast to our opponents or those who might seek to learn about America's plans. They will only be delivered in classified form.

Second, and I think most important, it is explicit in this amendment that nothing in this section shall be construed as a declaration of war or an authorization for the use of force. Senator PAUL's repeated concerns that we are rushing headlong into an overengagement in a civil war that is best left to the people of Syria is reflected clearly and in plain language in that provision within this amendment.

Earlier today we took up and voted on the Convention on the Rights of Persons with Disabilities. I spoke to this issue as well. Despite the plain language of that convention that would prevent it from having any of the noxious impacts it would have on families in the United States, despite the plain language of that convention and the various restrictions and reservations that were added to it, it would have no impact on homeschooling and no impact on reproductive rights in the United States. It would have no impact on any of the variety of things that were cast about on the floor of the Senate today. So, too, here we should not allow—despite this plain language—Senators to mislead our colleagues into thinking that somehow secretly embedded within this is an authorization for the use of force.

So what is this? This is asking that the United States, in consultation between the Department of Defense and this Senate, make reasonable assessments of what our path forward in dealing with the tragic situation in Syria might be. This amendment is clear that it will not consider ground troops being deployed onto Syrian territory. It will only look at a means that might be used by the United States or our allies to stop Assad's reckless, relentless criminal use of airpower to murder his own civilians and his own citizens.

I have been heartbroken as I have read account after account of jets and helicopters being used to stray from red lines, being used to bomb hospitals and schools, and of the thousands of innocents who have died.

The Syrian civil war is a very complex conflict. Senator PAUL asked what I really think is the central question. He said: How can we be confident that the opposition will be tolerant, inclusive, peaceful, and that it will not prosecute or persecute Christians; that they will be an ally to Israel and not impose the sorts of threats and difficulties he cited from Libya, Egypt, and other countries? That is exactly the core question at issue for us going forward: Should the United States stand on the sidelines as Bashar al-Assad massacres tens of thousands more of his civilians or should we consider what ways we can be involved through providing humanitarian assistance?

Should we support our regional allies, Turkey and Jordan, through multilateral engagement, supporting Turkey's request to NATO for defensive material? Should we better learn and understand what the opposition on the ground is inclined to do and set clear standards for how, if they demonstrate they are reliable partners in pursuing peace and if they commit themselves to the elements of the national coalition and the Free Syrian Army and to being exactly what Senator PAUL would hope—tolerant, inclusive, prodemocracy—why would we stand on the sidelines of history and allow Islamic extremists to instead write the future of the Syrian people?

For these and many reasons I am grateful for the opportunity to join with Senators MCCAIN and LEVIN in cosponsoring this amendment.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut be allowed 4 minutes, the Senator from Michigan be allowed 3 minutes, and I be allowed 2 minutes before the vote.

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

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I am honored to rise to support this amendment and just to make a few points. The first is to assure all of our colleagues that this is just an amendment that asks the Pentagon to conduct a study. It is nothing more than that. I want to particularly say that to reassure anyone who is concerned that somehow this is an authorization for the use of military force. Look at the wording. That is just not the case.

All we are debating and voting on is whether the Pentagon should be asked to do a study of the possibility of how we might stop Bashar al-Assad's air force from committing acts of murder against his own people. In my way of thinking, to tell the truth, it is two things: One, this amendment is simply a way of saying that we in the Senate are concerned and care about the slaughter that is going on in Syria and agitated that the United States and the rest of the world is not doing more to come to the assistance of those who are fighting for their freedom and lives in Syria.

I want to point out that there are a lot of options for the Pentagon to study. One is a traditional no-fly zone. We know a lot of people in the Pentagon are concerned that to carry out a traditional no-fly zone with our aircraft, we need to spend a lot of time and energy and assume risks to knock out the Syrian air defenses. Well enough.

But there are other ways to achieve the goal of keeping Assad's aircraft from destroying Syria's people. One is to use Patriot antimissile batteries to keep Syrian planes—placed in Turkey and Jordan—out of the air. The second, of course, that I can think of is to fire precision guided missiles from offshore to hit the Syrian Air Force on the ground so it cannot take off.

All of those should be considered as part of this study, as the most obvious, which is to make sure that the freedom fighters on the ground have their own antiaircraft weapons to fire from the ground at Assad's aircraft so they can protect their own lives.

The truth is, in supporting this amendment, I come to say that I continue to be troubled, deeply, by why the United States and so much of the rest of the civilized world is standing by and letting this happen. To me—and I speak only personally, and I do so with respect—getting involved in this on behalf of the opposition in Syria has been now for 18 months as close to a no-brainer as America ever has the opportunity to get involved in in foreign policy.

I say that because from the beginning we knew which side was fighting for freedom and which side was against it. And America is supposed to be on the side of the freedom fighters. Secondly, this has developed into a humanitarian disaster: 40,000 people killed. And, third, we have not just humanitarian interests here and values interests, we have strategic interests because Assad's government is the No. 1 friend of our No. 1 enemy in the world, which is the Islamic Republic of Iran. If he goes down, Iran and its radical regime suffers a body blow. If we continue to stand back, we run the risk of terrible sectarian conflict in Syria, which runs the risk of spreading beyond, between Sunni and Shia, also between secular and religious modernizers and people who do not want to modernize.

We have every good reason to come to the aid of these people in need, and I do not see an argument for not at

least studying how we might better do that.

I thank my colleagues. I am proud to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I wonder if I might be able to proceed for 1 minute before we begin the votes.

Mr. MCCAIN. Madam President, I ask unanimous consent that 1 minute be added and that the Senator from Mississippi be recognized for that 1 minute.

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

The Senator from Mississippi.

Mr. WICKER. Madam President, I thank my colleagues for allowing me to breeze in here at the last moment.

I would like to speak today about a Department of Defense policy that has an impact on American jobs and is in urgent need of greater transparency. Until recently, this policy picked industry winners and losers. We must ensure that the Federal Government's adopted standards for green buildings are consensus-based, fair, and established by sound science.

Before last year's Defense authorization bill was signed into law, the Department of Defense exclusively recognized or showed preference for a single green building rating system.

The U.S. Green Building Council's Leadership in Energy and Environmental Design—or LEED—became DOD's adopted benchmark for green building.

This raised concerns, primarily because LEED standards are not developed in a transparent manner and do not allow meaningful input from all affected stakeholders.

For example, for some reason LEED standards are unreasonably biased against American timber.

Obtaining the highest LEED certifications often requires green buildings to exclude domestic wood. Instead, the use of bamboo, often shipped from overseas, is favored over more cost-efficient local timber.

The next version of LEED threatens to eliminate the use of other approved materials and proven products that are currently used to achieve true energy savings.

It makes sense to anticipate that a blanket adoption of LEED by the Department of Defense would have a significant impact on American industry.

To put the scope of DOD's green building policies into perspective: DOD has more than 500,000 facilities, covering more than 2 billion square feet. If we combined all of the nearly 5,000 Wal-Mart buildings in America, it would make up about a third of DOD's real estate.

That is why I fought for language—included in the 2012 Defense authorization conference report—requiring DOD to conduct a cost-benefit analysis of various green building rating systems.

Last year's Defense authorization conference report prohibited the use of funds to implement LEED standards.

This year, the Armed Services Committee accepted language I offered to extend the prohibition of funds for LEED until 6 months after the cost-benefit study is reported to Congress.

I look forward to the findings of this study but remain concerned about DOD's adoption of any green building standards that are not transparent and consensus-based.

I have yet another amendment that would direct DOD to utilize green building standards that are driven by consensus as determined by the American Nationa Standards nstitute, and include sufficient input from all affected stakeholders.

My amendment also would support green building standards that consider the full environmental benefits provided by a building material throughout its lifetime. Life Cycle Assessment is a science-based approach used to measure these benefits.

Together, I believe these provisions would create a level playing field for materials to compete for green building and energy savings in DOD construction.

The Federal Government should be in the business of choosing winners and losers, Adoption of LEED only—or/any other green building standard not developed by consensus—would discriminate against American-made products, reduce transparency, impact jobs, and ultimately undermine energy savings and sustainability sought using taxpayer dollars.

Although I am going to withhold my amendment, I will continue to closely monitor this issue to ensure that fair competition is part of DOD's construction of green buildings.

I want to thank the chairman, ranking member, and all the members of the committee.

In conclusion, as we have learned, there is more than one way to have green building standards. The Defense Department has tilted toward the LEED standards in the past. I think we have authorized now a scientific analysis of other methods that is proceeding apace. I had planned to offer yet another amendment which would be withdrawn directing that the Department of Defense utilize green building standards that are driven by consensus as determined by the American National Standards Institute. As I say, I am withholding that amendment.

I do appreciate the language that is in the bill now, and I think we will end up with green building standards that save energy and serve the purposes of national defense and do not tilt toward one industry over the other.

I thank the Presiding Officer for her indulgence, I thank my colleagues on the committee, and I yield the floor.

AMENDMENT NO. 3262, AS MODIFIED

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I very much support the amendment offered by Senator MCCAIN and thank him for it.

The suffering of the Syrian people and, increasingly, the people of the region continues to grow daily. This amendment tells the Secretary of Defense and the Chairman of the Joint Chiefs that we want a classified assessment of the effectiveness of various military solutions to the problems that are there in Syria and in the region.

This information is going to help inform Congress on the challenges and the obstacles to various solutions, including the very challenges and questions which were identified by Senator PAUL. Those are the kinds of questions—not the total list, but the kinds of questions—which this assessment will help us to address. It will also help inform us about the budget and the policy decisions that the congressional defense committees make in the upcoming fiscal year.

The principal purpose of this amendment, as is stated in the amendment, is ''to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.'' That is what is on the mind, I believe, of all of us.

This report—an assessment, to use the word in the amendment—is critically important to Congress, and I very much support the effort of Senator MCCAIN and thank him for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would point out again that section (d)(e) of this amendment says:

> NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

And it will be in ''classified form.''

Yesterday, this was the front-page headline of the Washington Post: Obama Sternly Warns Syria. There is no doubt that as this conflict has dragged on and on, the risk of a wider conflict and terrible consequences can ensue. It is well known that Bashar Assad has a very large inventory of chemical weapons, including sarin gas, which is a deadly nerve agent.

I am not predicting that the United States has to be involved, but there is very little doubt in anyone's mind that as this conflict escalates, the risk of spreading, the risk of greater jihadist involvement, the greater risk of problems on the borders of Lebanon, of Iraq, of Jordan increase.

And if military action has to be taken in order, for example, to prevent sarin gas to be used, the Congress of the United States has to be involved. We have a thing called the War Powers Act. The War Powers Act expressly calls that Congress make decisions. The Congress needs to be informed. I believe all this amendment does is informs, in a classified manner, the Defense committees so that we will have the information necessary to understand the various eventualities that could result in this terribly, terribly

escalating and deteriorating situation in Syria.

As my friend from Connecticut said, 40,000 people have already been slaughtered. I think the U.S. Congress needs to be made aware not of what we should do but what we can do in case of that eventuality. I urge my colleagues to vote for the amendment.

I thank my colleagues. I thank the Senator from Connecticut, the Senator from Delaware, and, of course, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired and the question occurs on agreeing to McCain amendment No. 3262, as modified.

Mr. LEVIN. Madam 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 legislative clerk called the roll.

Mr. DURBIN. I anounce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

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

NAYS—6

Alexander	Durbin	Lee
DeMint	Hutchison	Paul

NOT VOTING—2

Kirk	Rockefeller

The amendment (No. 3262), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KYL AMENDMENT NO. 3213, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendment No. 3123, as modified, is agreed to.

EXPORT CONTROLS REFORM

Mr. BENNET. Madam President, I rise to engage the chairman of the Armed Services Committee in a colloquy.

Mr. LEVIN. I would be happy to have a colloquy with the Senator from Colorado.

Mr. BENNET. Earlier this year, I introduced a bill that reforms export controls on satellites and their related items. Under the current law, satellites must be subject to the most restrictive export controls regardless of whether they are sensitive, militarily significant, or widely available outside of the U.S. This has both diminished our Nation's economic competitiveness and our national security. In fact, the State and Defense departments recently concluded that the ''current law forces the U.S. Government to continue to protect commonly available satellites and related items on the USML, thus impeding the U.S. ability to work with partners and putting U.S. manufacturers at a disadvantage, but providing no noticeable benefit to national security.''

My bill reforms our export control laws so that the executive branch has the discretion to determine the appropriate level of export controls for satellites and related items. The executive branch currently has such discretion for all other types of items whether the item serves a military or a dual-use purpose. The bill also prohibits the transfer of such items to China, North Korea, and state sponsors of terrorism.

Last week, I filed an amendment to the defense authorization bill that mirrors my legislation. Senators RUBIO, WARNER, MARK UDALL, and CARDIN cosponsored the measure. While I had hoped to offer and pass our amendment, it is my understanding that the chairman intends to address these reforms in conference. Is my understanding correct?

Mr. LEVIN. I first want to thank the Senator from Colorado for his work on reforming our Nation's export control laws. The House version of the National Defense Authorization Act includes provisions addressing these issues. I support his efforts in this area and I intend to work with the House of Representatives to address these reforms in conference.

Mr. BENNET. I thank the chairman for his support and assurance.

AMENDMENT NO. 3054

Mr. MCCAIN. Madam President, I rise to explain the scope of, and intent behind, my amendment on naval vessel naming. Amendment No. 3054, as modified, to the National Defense Authorization Act for fiscal year 2013 is a direct response to recent criticism that the Secretary of the Navy has, in some instances, politicized the ship naming process.

Since its establishment, the U.S. Navy has developed a rich tradition of vessel naming. Traditional sources for vessel names customarily encompassed categories such as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and, other noted individuals who have made distinguished contributions to the Navy or our Nation's national security. The name the Navy selects for a vessel should reflect the very best of our Nation's and our Navy's great heritage. It should impart a sense of honor and serve as an inspiration for the vessel's crew. It should not, in any way, be tarnished by controversy. Unfortunately, controversy and criticism have surrounded some of the Secretary's recent vessel naming choices.

This amendment seeks to avoid similar controversy in the future. It sets forth necessary and appropriate standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on vessel naming. It requires that the Secretary assure the Senate and House Committees on Armed Services that the proposed vessel name comports with those standards 30 days before announcing or assigning a vessel's name.

Under the procedure established by my amendment, I fully intend and expect that the Navy will not move forward with any vessel naming proposal, unless the Congressional defense committees approve. Much as the Department of Defense seeks prior approval for reprogramming requests, the Secretary of the Navy should secure the prior approval of the Congressional defense committees before announcing or implementing a vessel naming proposal.

I take no joy or pride in this amendment, but believe it is necessitated by the spate of controversies over the last few years. I sincerely hope the amendment helps the U.S. Navy preserve the high standards it has traditionally employed for vessel naming.

AMENDMENT NO. 2943

Mr. LEAHY. Madam President, I was very pleased that the Senate adopted last night an amendment to improve the Law Enforcement Officers Safety Act, LEOSA. I was pleased to join Senator WEBB, a member of the Senate Armed Services Committee, as a cosponsor to strengthen a policy that is important to our Nation's law enforcement community. I thank Chairman LEVIN and Senator WEBB for their efforts.

The amendment we adopt today will place military police and civilian police officers within the Department of Defense on equal footing with their law enforcement counterparts across the country when it comes to coverage under LEOSA. The LEOSA law permits active and qualified retired law enforcement officers to carry a concealed firearm across State lines. This law, which has been in place since 2004, gives our law enforcement officers, should they choose, the peace of mind that they are protected wherever they may be.

One of the qualifications required of active or retired officers to be covered by the LEOSA law is that they must have ''statutory arrest authority''. Some law enforcement personnel within the Department of Defense do have such statutory arrest authority. Others do not. For example, civilian police officers that conduct law enforcement activities on military bases or installations derive their authority from the Uniform Code of Military Justice. This authority, while statutory, is ''apprehension'' authority. Due to that difference between the LEOSA law's specific enumerated requirements, and the authority pursuant to which civilian police in the military operate, these law enforcement officers have not been able to obtain the law's benefits.

To remedy this, the amendment we have adopted will expressly include within the LEOSA statute currently non-covered civilian police officers and military police. It will do so by adding a statutory citation within Title 18 of the United States Code to the relevant portion of the Uniform Code of Military Justice. This will provide legal certainty for the Department of Defense, and will provide the needed LEOSA coverage for currently non-covered law enforcement personnel within the military.

The Senate has agreed unanimously to extend LEOSA to the law enforcement officers that serve within our military who are currently not eligible for coverage under LEOSA. They are no less deserving or worthy of this privilege and I am very pleased we have acted to equalize their treatment under the Federal law. Given the productive discussions we have had with the Department of Defense Office of Law Enforcement Policy and Support, and with Chairman LEVIN in developing this amendment. I expect that it will be implemented without delay so that those intended to be covered may gain the law's benefit quickly. These police officers, who largely perform the same duties as their counterparts elsewhere in the Federal Government and at the State and local level, deserve the equal treatment this amendment will provide.

Mr. CASEY. Mr. President, today I wish to discuss what more we can do to prevent the scourge of suicides among our servicemembers. I have been concerned for quite some time about the physical and psychological challenges facing the men and women who serve in our military, including the unique challenges faced by members of the National Guard and Reserve.

Despite a variety of programs to address the rate of suicide among National Guard and Reserve personnel, current statistics raise ongoing concerns about what more we can do to address this serious issue. In 2011, 165 Active-Duty soldiers and 118 Guard and Reservists took their lives, and the Army is on track to meet or surpass the same number of suicide related deaths again this year.

I appreciate that the Armed Services Committee has included Section 512 in the fiscal year 2013 National Defense Authorization Act, which establishes a suicide prevention and resiliency program specifically for the reserve component of the military. In order for these programs to succeed, all members of a community must work together and watch out for one another. This includes involving the private sector and universities, who can contribute valuable resources. I would note that the Department's Office of Suicide Prevention, in carrying out Section 512 and 722 of this bill, must work with private sector and university partners to develop and implement suicide prevention training for community-based organizations, including schools, hospitals, religious organizations and employers, to raise awareness and provide tools for intervention to members of the National Guard and Reserve and their families. Universities and researchers, including those throughout Pennsylvania, have explored this issue and stand ready to support our returning servicemembers.

This is a national challenge and Congress must work hand in hand with the Departments of Defense and Veterans Affairs as well with State and local community leaders to end this terrible epidemic.

AMENDMENT NO. 3232

Mr. SCHUMER. Madam President, I would first like to take this time to thank my colleagues Senator MENENDEZ and Senator KIRK for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran's rogue nuclear program and for working to put together the final text of this amendment.

Look, time's a-wasting, so we need to ratchet up the sanctions now.

And rest assured—this is a powerful package that will paralyze the Iranian economy.

I believe that when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the preferred and probably most effective way to choke Iran's nuclear ambitions.

It should come as no surprise that today the head of International Atomic Energy Agency, IAEA, suggested that his inspectors in Iran are coming under increased duress amid fears that the Iranian regime might be aspiring to make atomic arms. And according to published reports, Iran could have at least one workable nuclear weapon by next year and another maybe 6 months after that. This cannot be allowed!

Additionally, the IAEA has reported that Iran possesses a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb.

Earlier this year, Director of National Intelligence Jim Clapper told the Senate Intelligence Committee that Iran's leaders seem prepared to attack U.S. interests overseas.

Just last year we saw U.S. authorities successfully thwart an Iranian plot to assassinate the Saudi ambassador in this very city.

So by giving the administration the capability to tighten their crippling sanctions on Iran should they continue with their nuclear weapons program, the Senate is continuing to address the very real threat Iran poses to the United States and our allies, particularly Israel.

And make no mistake—after Hamas initiated their bloody rocket attacks against innocent civilians in Israel last month, who did they thank afterwards? They actually thanked Iran for their support in helping make ''Israel scream with pain.'' Iran sends rockets to terrorist groups to kill innocent civilians. That is just one out of many reasons why the international community just cannot allow Iran to have a nuclear weapons capability.

This bill will do several important things to strangle Iran's ability to continue with its illegal nuclear program.

First, it designates Iran's energy, port, shipping, and shipbuilding sectors as ''entities of proliferation concern'' due to the role they play in supporting Iran's proliferation activities.

Secondly, it blocks and prohibits all transactions in property in the United States by any person who is part of Iran's energy, port, and shipping sectors.

Additionally, it sanctions the sale, supply, and transfer of certain materials and precious metals to Iran.

And importantly, this bill sanctions foreign financial institutions for knowingly conducting transactions on behalf of any sanctioned Iranian person.

Mr. President, I believe my colleagues Senator MENENDEZ and Senator KIRK have done an excellent job ensuring that the administration has the tools they need to put a stop to Iran's rogue nuclear program.

I strongly urge my colleagues to support this amendment.

Mrs. HAGAN. Madam President, as we conclude our work on S. 3254, the fiscal year 2013 National Defense Authorization Act, I would like to draw attention to yet another important role my State is playing in our national defense.

North Carolina is home to the two major lithium suppliers in the United States. Not only are these important employers in my State, but they are serving our defense industry with critical materials that are vital to our Nation's defense capabilities both now and in the future.

The Defense Department has recognized through its Defense Production Act Title III office that ''Li Ion batteries are extremely attractive to military customers with the most demanding set of requirements such as the space/satellite communities for spacecraft applications and the Special Operation forces.''

Lithium metal is an important component in a wide range of defense applications. For over a decade, the US

military has been widely using non-rechargeable—primary—lithium batteries to provide power for mines, missiles, torpedoes, sonobuoys, guided artillery, fuses, communication devices, countermeasure devices, global positioning systems, and guidance systems. Presently, primary lithium batteries are the power source of choice for a majority of devices that a servicemember uses in combat and realistic training operations. An infantryman on a 72-hour mission in Afghanistan carries around 30 pounds of batteries. Lithium metal used in these defense applications affords today's Armed Forces fluid movement on the battlefield and in remote areas.

We need to remain vigilant to the world's lithium supply situation. Offshore suppliers of lithium are poised to expand their capacity at the risk of domestic U.S. lithium production capability. It will be essential to our future national defense needs that we are able protect and enhance our domestic supply chain of battery-grade lithium metal.

Mr. President, I recognize the importance of this industry to our Nation's defense. I am proud that over 600 men and women in my State are dedicated to creating these critical materials for our Armed services and urge that we continue to recognize the essential role this industry plays in our future defense strategies.

AMENDMENT NO. 3291

Mr. PRYOR. Madam President, I want to thank Chairman LEVIN and Ranking Member MCCAIN for the work they have done on the National Defense Authorization and for working with me on this amendment.

This bipartisan amendment, the Helping Iraq and Afghanistan Veterans Return to Employment, HIRE, at Home Act, introduced by myself and Senator JOHANNS encourages states to consider the training servicemembers receive during active duty when determining eligibility for State licenses and certifications.

This amendment will encourage States to consider the specialized military training and experience servicemembers acquire on active duty as filling all or some of the State certification and licensing requirements. Specifically, the amendment will apply to individuals seeking employment as commercial truck drivers, certified nursing assistants or emergency medical technicians.

By eliminating the expensive and time consuming hurdles servicemembers often face, this amendment will help ensure our returning veterans come home to new job opportunities and help lower the high unemployment rate among our young veterans.

Mr. CARDIN. Madam President, I rise in support of the National Defense Authorization Act, NDAA, for Fiscal Year 2013. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this legislation to the floor. The Senate has passed the NDAA every year for over one-half century. Senators LEVIN and MCCAIN have played a key role on NDAA over the past several years, and I am grateful for their dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

I am pleased that NDAA, as amended, includes three of my amendments, including a sense of the Senate resolution regarding conflict-induced displacements in Afghanistan. As Afghan refugees are being pushed into faster repatriation, they are often forced into returning to a country where they have little or no hope. In particular, Pakistan, which has hosted Afghan refugees for more than 30 years, plans to cancel refugee status for the 3 million Afghans at the end of this year. Forcing these refugees back into Afghanistan would only exacerbate the crisis for a country that is still struggling with an ongoing insurgency, an economy dependent on U.S. foreign assistance, and the impending withdraw of NATO troops in 2014.

According to the United Nations High Commissioner for Refugees, UNHCR, more than 5.7 million refugees have returned to Afghanistan since 2002, increasing the population of the country by approximately 25 percent. In both urban and rural areas, however, more than 40 percent of the returnees have not integrated into their home communities. In addition to difficulties returning refugees face, internal displacement has been dramatically on the rise.

The conflict-induced displaced Afghans face numerous challenges due to continuing violence, tribal conflicts, lack of land tenure and housing, limited opportunities to earn a livelihood, and reduced access to public services and water. As winter approaches, I am especially concerned for the children who will be vulnerable to the harsh weather and illnesses likely to occur from living in such severe conditions. Last winter, there were many reports of children freezing to death in settlement camps and other temporary shelters.

The sense of the Senate resolution not only expresses these concerns for the dramatic rise in conflict-induced displacements in Afghanistan and the corresponding humanitarian needs; it also recommends that the Department of State's Bureau of Population, Refugees & Migration and the Special Representative for Afghanistan and Pakistan jointly develop a comprehensive strategy to address these displacement issues.

I am also pleased that the Senate passed my two amendments to add the Coast Guard to the current baseline NDAA sections addressing military diversity and military hazing. Nearly 2 years ago, the Military Leadership Diversity Commission issued a report with 20 recommendations to the Armed Forces, including the Coast Guard. The Commission found that the services' leadership does not reflect the diversity of the enlisted members they lead or the American population they fight to protect. While the Coast Guard has made strides in addressing its lack of diversity among women and minorities, it still has significant obstacles to overcome. For instance, of the 91 graduates of the Coast Guard's Officer Candidate School last year, only five were African-American, four were Asian, and nine were Hispanic. The Coast Guard can and must do better to enhance diversity among its senior leadership, which will have a positive impact for generations to come. And like other branches of the Armed Forces, the Coast Guard continues to suffer from hazing incidents. Just last year, seven members of the Coast Guard were found to have tied down their fellow crew members and performed sexual hazing on them.

I am also pleased that the Senate adopted the Feinstein amendment, which restricts the ability of the U.S. Government to detain without charge or trial U.S. citizens or lawful permanent residents suspected of carrying out terrorist activities. The role our civilian-led military plays within the borders of the United States has always been balanced with the protections of civil liberties, civil rights, and the due process of law.

On the subject of detainees, however, I am disappointed that the Senate approved the Ayotte amendment, which prohibits the use of funds for transferring or releasing detainees from the detention facilities at Guantanamo Bay, Cuba, for prosecution and trial in the United States. In my view, any provision that extends the life of detention facilities at Guantanamo Bay unnecessarily sullies America's human rights record. The Ayotte amendment also represents a significant cost burden going forward for the U.S. Government, as it would force the Guantanamo Bay detention facility to remain open indefinitely. The Ayotte amendment also handicaps our Federal courts. Our Federal courts—unlike military tribunals—have an excellent track record of trying and convicting the most dangerous criminals and terrorists in the world, and Congress should not tie the hands of our law enforcement and intelligence agencies to use our Article III courts. Our Federal prison system can also securely hold for life those convicted of terrorism offenses.

When it comes to personnel issues, I support the baseline NDAA bill, which will improve the quality of life for our men and women in uniform and their families. The bill provides a 1.7-percent pay increase for all Active, Reserve, and Guard servicemembers. The bill prevents the Department of Defense from increasing TRICARE deductibles and annual catastrophic caps and levying enrollment fees for TRICARE Standard and TRICARE for Life. Also, the bill further advances service opportunities for women by directing the Secretary of Defense to make further regulatory and statutory changes in

combat-related restrictions. Finally, I want to commend the Senate Armed Services Committee for authorizing veterans to participate in the Transition Assistance Program for 1 year after their discharge so that they can be better prepared to lead a productive civilian life.

On another crucial personnel matter, however, I am deeply disappointed that the Senate defeated my amendment to prevent an across-the-board cut to the Defense civilian workforce that could lead to an additional 36,000 government job losses in the coming years. These cuts—on top of cuts that already will occur—would be made without consideration to required workload, mission, or funding as currently required by law. The Senate version of NDAA, if unchanged, will force an arbitrary, sequestration-type of cut in the DOD's civilian workforce, injuring the defense industrial base and undermining economic recovery. There is a better way to make judicious personnel decisions in the Department of Defense than the bill's section 341. I hope the NDAA conferees will heed the administration's deep concerns with regard to section 341, which the House NDAA—H.R. 4310—does not include.

A bill this large and complex won't please everybody entirely. I have just outlined some of the provisions I support and some of the provisions I don't support. I will vote to pass NDAA to advance it to conference. H.R. 4310, like S. 3254, has good and bad provisions, in my estimation. For instance, it contains provisions that further restrict the transfer of Guantanamo detainees into the United States or foreign countries, and it limits the administration's ability to implement the New START Treaty or to set U.S. nuclear weapon policy to further nuclear force reduction. But, on the other hand, it doesn't contain section 341. I hope the legislation the conferees report will be something I can support.

Mr. LEVIN. Madam President, I will be very brief. I feel so grateful and so proud that the tradition of our committee and this Senate has been maintained on our 51st consecutive Defense authorization bill, a bill that is so vitally important to the Nation. I am grateful to all of our colleagues for working on a bipartisan basis through the normal and open legislative process to produce this bill. I am grateful to stand here with my partner, Senator MCCAIN—we worked together on this bill—to all of the members of the committee, to our staff and the floor and cloakroom staff. We passed over 100 amendments. It was a process that allowed us to be just as accommodating as we humanly could.

One person I wish to single out as someone who has worked for the committee for 41 years—this will be her last year—is Chris Cowart. She is our chief clerk, and I would like to take an additional 2 seconds to mention her name as a symbol of the staff for whom we are so grateful.

I don't know if Senator MCCAIN is here, but I know that I speak for him about our staffs and about our colleagues on the committee.

I yield the floor.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAUCUS. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yes 98, nays 0, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—98

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

NOT VOTING—2

Kirk	Rockefeller

The bill (S. 3254), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Committee on Armed Services is discharged from further consideration of H.R. 4310, and the Senate will proceed to the consideration of the measure, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3254 as passed is inserted in lieu thereof.

The clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, H.R. 4310, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees:

Mr. LEVIN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER.

RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to calendar No. 552, H.R. 6156, which is the Russia-Moldova trade agreement.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 552, H.R. 6156, an act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

NATIONAL DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I wish to thank the chairman for his patience in allowing this legislation to be completed. I would note that there were 145 amendments and many recorded votes and good debate and discussion over very important issues.

I also wish to say thank you to the majority leader.

I wish to note the good work of the staff, showing again that work release programs can be successful.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if I could say a word, I was looking for an opportunity to express my appreciation to the two managers of this bill.

This has been hard, but they have done an excellent job. There is nothing

more important we do here than make sure that our fighting men and women have the resources to do what they need to do for our country, and there are no two better managers that we could have on this bill than these two fine Senators. I appreciate very much their hard work.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the leader is here, I would add my thanks to the majority leader. This could not have happened without the willingness of the majority leader to take a little bit of risk at this time of year with so few days left.

Senator MCCAIN and I told the majority leader that we thought we could do it in 3 days, and I want you to know that we did it in 3 days. We don't count half days. If we counted half days, it took us more than 3 days, I must confess to the majority leader. But, nonetheless, the majority leader was willing to let us start down this road. And we did it in a unanimous way. I think it is only the second time in 51 years that there has been a unanimous vote on a Defense authorization bill, and it is because of the willingness and determination of our leadership that we proceed with this bill and that we allow the kind of process to occur that we did and to take the time we did, and I am very grateful.

Mr. REID. Mr. President, I took no risk, because Senator LEVIN from Michigan and Senator MCCAIN from Arizona said, We will finish the bill in 3 days. So I had no risk because I knew that is what they would do. We may have spilled over a few hours, but basically they held to their agreement.

Mr. MCCAIN. Again, I thank the majority leader and my friend from Michigan.

I do want to thank our staff who worked many long hours, long after we had shut down regular business. They continued to work through a total of 392 amendments that were filed on this legislation. I appreciate the hard work and the cooperative spirit that enabled us not only to dispose of the amendments, but also I heard no complaint from any Member that their amendment did not get the consideration they felt it deserved. I think that is pretty remarkable, and I thank them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to join in thanking the chairman of the Armed Services Committee, Senator LEVIN, and the distinguished ranking member, Senator MCCAIN, for the extraordinary bipartisan work they have done on this measure, and also the accommodation and consideration they have given to all of us who have proposed amendments, as well as to their staff and the majority leader.

On behalf of Connecticut, which produces many of the key products that are affected by this bill, such as the Joint Strike Fighter, our submarines, and the Sikorsky helicopter, we have a great deal of pride in the support that the U.S. Senate has given today to our national defense and the production of these products.

ANIMAL FIGHTING SPECTATOR PROHIBITION ACT

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Agriculture, Nutrition and Forestry Committee be discharged from further consideration of S. 1947, and that the Senate proceed to its consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 1947) to prohibit attendance of an animal fighting venture, and for other purposes.

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

Mr. BLUMENTHAL. I ask unanimous consent that the Blumenthal amendment, which is at the desk, be agreed to and that the bill, as amended, be read a third time.

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

The amendment (No. 3309) was agreed to, as follows:

On page 2, line 21, insert ''knowingly'' before ''cause''.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BLUMENTHAL. Mr. President, I recognize that the hour is late. I wish to take a very brief moment to thank my colleagues, beginning with Senator KIRK and Senator BROWN—my distinguished colleagues from Illinois and Massachusetts—who have done such great work on this measure over many months, as well as Senator CANTWELL of Washington and other colleagues who have cosponsored this measure, including Senators COLLINS, FEINSTEIN, GILLIBRAND, KERRY, LANDRIEU, MERKLEY, MIKULSKI, MURRAY, VITTER, and WYDEN. They are all tireless advocates for animals.

This bill is about ending animal fighting which, plainly and simply, is a blood sport. It is cruel and inhumane. It leaves animals scarred and disabled. And, it is associated with many other criminal activities. People who attend animal fights are often also engaged in drug dealing, extortion, assault, and a variety of other crimes, and the enabling activity is animal fighting.

That is why this bill increases the penalties for knowingly attending an animal fight with a child and, indeed, makes it a crime to knowingly attend an animal fight. These stricter penalties are contingent upon a purposeful support for this cruel and inhumane sport.

Very simply, this legislation provides new tools to law enforcement for eliminating not only animal fighting, but also the activities that may be attendant to them.

Animal fighting is a Federal matter, and it requires a Federal response. This is particularly important because an animal fighting ring often involves players from many different States. Under current law, a county sheriff or a local prosecutor simply lacks the authority to root out, apprehend, and effectively prosecute such an operation.

This bill has the support of many law enforcement organizations whom I thank, including the Federal Law Enforcement Officers Association and Fraternal Order of Police. County sheriffs from across the country have also signed on as supporters, along with the American Veterinary Medical Association and the Humane Society of the United States. I hope it will have support from this Chamber.

Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on passage of the bill.

The bill (S. 1947), as amended, was passed, as follows:

S. 1947

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 ''Animal Fighting Spectator Prohibition Act of 2011''.

SEC. 2. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.

Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SPONSORING OR EXHIBITING AN ANIMAL IN'' and inserting ''SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND'';

(B) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''SPONSORING OR EXHIBITING''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

''(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

''(A) knowingly attend an animal fighting venture; or

''(B) knowingly cause a minor to attend an animal fighting venture.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(5) the term 'minor' means a person under the age of 18 years old.''.

SEC. 3. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

Section 49 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(3) by adding at the end the following new subsections:

''(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

''(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates

subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.''.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First of all, I commend and compliment my friend from Connecticut for sponsoring this bill and pushing it through. Animal fighting is a despicable thing to be engaged in. To think people take their kids there, and families. It is something we should not be doing and I thank the Senator for his leadership on that issue, getting the bill passed.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

I want to take the floor for a few moments. I know others want to speak. They were kind enough to let me get in front of them. I want to comment for a couple of minutes on the vote today on the Convention on the Rights of Persons With Disabilities. I said off the floor that this was a shameful day for the Senate, and I meant it. Today was a shameful day for the Senate. To turn our backs on a convention, a treaty which was based upon the Americans With Disabilities Act in our own country that is now 22 years old and has done so much to enhance opportunities for people with disabilities and their families, to turn our backs on that for no real reason is something I have a hard time comprehending, and I have been in the Senate a long time now.

There are reasons people can come up with a vote this way or that on certain things and most times they are very legitimate. People might have some legitimate concerns about a bill or an amendment. I could find no legitimate concerns about the Convention on the Rights of People With Disabilities—legitimate concerns. We heard all this talk about home schoolers, people who are homeschooling their kids, the U.N. was going to come in and take them away—nonsense, utter, sheer nonsense.

What happened today was the triumph on the Senate floor of fear. Unfounded, unreasonable fear triumphed over experience—the experience we have had with the Americans With Disabilities Act, reasoned, rational thought—unfounded fears that somehow, someplace, somebody is going to do something. Out of the U.N. they are going to come in and take over or something. But we proved beyond any shadow of a doubt that none of our laws had to be changed. This gave the U.N. no authority over our country or our laws or anything. Yet this unfounded fear took hold to the point where people who were sponsors of the bill voted against it. Sponsors of it now turned around and voted against it. Again, for what reason? Unfounded fear.

What message did we send today to the rest of the world? A message that, OK, we are pretty good. We did a lot of good stuff in terms of passing legislation to uphold the rights of people with disabilities, to break down barriers, give people with disabilities opportunities the same as everyone else. We have become a better country for it, a better Nation.

Other countries have come to us over the intervening last 22 years to find out how we did it, what they could do. So here the United Nations said we would come up with a convention, a treaty for all countries, and put it up for them to sign it, encouraging them to emulate what we did. This would be giving us a seat at the table helping other countries to bring their laws more up to what ours are in terms of the rights of people with disabilities.

But we turned our backs on that. There are a lot of things that make America a shining city on a hill, but there is one thing that no one can dispute that does put America as a shining city on a hill and that is the Americans With Disabilities Act and what it has done to our society, like our Civil Rights Act, what it has done to break down the barriers and to show that people with disabilities can contribute to society if only given the chance and the opportunity.

You would think we would want to then say, yes, we will be a part of a worldwide effort to break down those barriers against people with disabilities. We want to be part of a worldwide effort to say it is not all right, it is not OK to leave a baby on the side of the road to die simply because that baby has Down Syndrome. You would think we would want to be part of a global effort that says it is not all right to keep kids out of school and away from education because they have a physical disability—they use a wheelchair—or have an intellectual disability. You would think we would want to be part of an effort such as that, that says it is not OK to put people in cells, chained in cells, people whose only crime is that they are disabled. You would think we would want to be part of that effort.

We have done that in this country. We have done wonderful things. Yet there is some fear, some unfounded fear that the United Nations is going to come in with a black helicopter or something, I don't know what, and say you cannot homeschool your kids.

The Americans With Disabilities Act, we had it for 20 years. Did it stop home schooling? Of course not. Did it lead to more abortions? Of course not.

After this vote, after it was defeated, I walked out into the reception room, the Senate reception room. There was a throng, a number of people in the disability community. They were crushed, just crushed. They could not understand this. How could it be? Every disability community in America, every disability organization supported this. We had 21 veterans organizations, everything from the American Legion to the VFW, AMVETS, Disabled American Veterans, Disabled Veterans of America—21. Every veterans group supported this.

I ask, were these veterans groups so dumb, so blind, so misled to support something that is going to give the U.N. the right to come in and take kids out of your home? That is what people were saying. They do not get it, veterans groups? Is that what they were saying, that they do not understand this?

Of course they understood it. They know those were unfounded fears. Walk out and see Yoshiko Dart out there, holding Justin Dart's hat; Justin Dart, God love him. A man in a wheelchair, used it almost every day in his life; a man who traveled throughout this country day after day to get people organized to support the Americans With Disabilities Act, Justin Dart. He has since passed on, but his widow carries his hat around. She had his hat there and they were just crushed by this vote. How could we turn our backs on something so important to our country and the world? Pat Wright—others.

Before we had the vote we had a wonderful ceremony honoring Bob Dole. Yesterday was the International Disability Rights Day, so they wanted to honor Bob Dole for all he had done, Senator Dole. It was a wonderful event. I saw people over there honoring Bob Dole for all the work he had done on disability rights who voted against the bill today.

Mr. LEAHY. That is right.

Mr. HARKIN. I said, wait a minute, they are there to honor all the work Bob Dole had done on disability and Bob Dole was one of the strongest supporters of the CRPD, as it is called. He came over here today in his wheelchair with his wife, former Senator Elizabeth Dole. Yet people voted against it. I do not get it.

Veterans? There was a young veteran sitting in the gallery today. I met him yesterday for the first time. Senator KERRY spoke at length about him. His name is Dan Berschinski. I ask unanimous consent to have his op-ed printed in the RECORD at the conclusion of my speech.

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

(See exhibit 1.)

Mr. HARKIN. I met him yesterday, a young man 25 years old. He said for the first 25 years of my life I was an able-bodied American and played football and soccer, even ran a few marathons.

He graduated from West Point and went to Afghanistan and had both of his legs blown off. He walks on prosthetic legs now and talks about going to South Africa on a trip and the fear gripped him because of the fact he couldn't get around. In the hotel they had curbs. He had the kind of problems he doesn't have here.

I saw him out here in the reception room after the vote. He had been sitting in the gallery. He came down. I went up to him and I said: Dan, what can I say? I am sorry. I am sorry. But, I said, we will come back again. We are going to come back at this thing. But, I said, I am sorry.

You know what he said to me? He said: You know, Senator, watching this

and seeing this makes me want to get just about as far away from politics as I can.

Is that the message we send to young veterans, young heroes like this?

I don't want to take any more time. Others want to speak. As I said, it is a shameful day. I do say we will be back. Senator KERRY will be back, Senator MCCAIN. Again, I give them the highest plaudits for what they did. Senator MCCAIN and Senator KERRY did a magnificent job, and Senator LUGAR, in carrying this bill forward. I know they do not want to give up either. I was hoping we would pass it before Senator LUGAR leaves the Senate. It would have been wonderful that Senator LUGAR did this during his time here in the Senate. But I guess that is not to be.

We will be back in January or February. Senator KERRY is committed to doing that, bringing it back to the committee, so we will be back again. I hope over the Christmas break and New Year's those who did not vote to support this will search their conscience, search their soul, think more about our being involved in this and having a seat at the table, helping the rest of the world change their laws. I hope when we come back we will have some reconsiderations and people recognize that maybe the first vote was not the right vote and change their vote and maybe we can get it passed then. That is my hope. I hope we can get to that when we come back after the first of the year.

EXHIBIT 1

[Dec. 4, 2012]

LEADING ON DISABILITY BEYOND OUR BORDERS

(By Dan Berschinski)

For the first 25 years of my life I was as an able-bodied American. I played football and soccer and even ran a few marathons. All of that changed three years ago. Having graduated from West Point, I was serving my country as an Army infantry officer in Afghanistan when I was seriously wounded: I stepped on the unseen trigger of an improvised explosive device, and both my legs were instantly torn from my body. From that moment on, my life has, been drastically different.

Today, after three year's of hard effort, I'm proud, to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for people like me who struggle to walk, or who use a wheelchair. Fortunately, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages we take for granted here at home—the policies that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined a few friends in a trip to South Africa to watch the World Cup. There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. South Africa had done a fairly good job on accessibility, but there were still plenty of curbs that had to be jumped, ditches that had to be crossed, and flights of stairs that had to be, well, hobbled up. As a disabled Anierican at home, I can depend on accessible accommodations; as a disabled tourist abroad, I had to hope for the best while preparing for the worst.

Today, the United States has an opportunity to show leadership and reduce the challenges that millions of disabled people around the world face every day: The Senate can vote to join the U.N. treaty on rights for people with disabilities. By encouraging other nations to strengthen their own accessibility laws, we can improve the lives of our 56.7 million disabled U.S. citizens, including 5.5 million disabled veterans like me, when we travel and work abroad. Many of those opposing this treaty claim to support military veterans, but a vote against ratifying this treaty undercuts that support.

I am honored to join fellow veterans, Republicans and Democrats, including Sens. John Kerry and John McCain and former Sen. Robert J. Dole, to say that the case is clear-cut: Only by voting in favor of the Convention on the Rights of Persons with Disabilities can the Senate truly honor the sacrifice of those disabled while answering this nation's call. I am proud to have served my country; I am proud of how my country has taken care of me. And I will be proud when we extend our leadership on disability issues beyond our borders.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the Senator from Iowa is on the floor—and I will be very brief because there are others waiting to speak—I am so moved and touched by what he had to say. I had the privilege of being in that room with the Senator from Iowa, Senator HARKIN, and Senator Dole—both Senators Dole, Senator Bob Dole and Senator Elizabeth Dole.

The Senator referred to Justin Dart's widow and his hat was there. My colleague and I saw him wearing that hat the day the disability legislation was signed into law on the White House lawn. In fact I have a photograph I took of the Senator standing there.

PERSONS WITH DISABILITIES TREATY

Mr. LEAHY. Mr. President, I have had the privilege of serving in this body every day that TOM HARKIN has been here. Nobody has spoken more eloquently for the needs of the disabled than Senator HARKIN. He learned sign language so he could communicate with his brother. I have seen him with members of the disabled community. He is loved and respected.

This was not the Senate's finest day. It was not ''Profiles in Courage'' to see what happened. I am glad the Senator mentioned the veterans, as though any of them would stand for something that would take over our country. Many of them lost limbs fighting for this country and fighting for the security of this country. They represent people who died fighting for this country.

So this is one Senator who will be here next year. I pledge to the Senator from Iowa and to Senator KERRY, my seatmate—actually, I have both Senators on either side of me—that I will be here, and I will support the Senators every step of the way.

Mr. HARKIN. Mr. President, I thank my good friend and former chairman with whom I have served all of these years in the Senate for his very kind remarks and kind words. More than that, I thank my friend for his many kindnesses that he has shown me and for upholding the finest traditions of the Senate.

I say to PAT LEAHY, through the Chair, when we think about a Senator and what a Senator should do and how a Senator should conduct himself or herself, we have to think about PAT LEAHY. He has just been a stalwart. He is always willing to work with people, always willing to give someone the benefit of the doubt, always willing to help move legislation through the Senate. That is the way the Senate used to be. It used to be that way. Thank God, we still have people here like PAT LEAHY.

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 (Mrs. MCCASKILL). The Senator from Rhode Island.

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.

MIDDLE-CLASS TAX CUTS

Mr. WHITEHOUSE. Madam President, tens of millions of middle-class families face the distinct possibility of higher tax rates in January. With so many Americans who are still struggling to find their economic footing after the deepest recession of our lifetimes, these looming tax hikes would be hard for those middle-class families, and they are completely unnecessary.

Newspaper stories day after day on the so-called fiscal cliff often omit that the Senate has passed legislation to shield 98 percent of families and 97 percent of small businesses from the income tax part of this so-called fiscal cliff.

We passed the Middle Class Tax Cuts Act on July 25 of this year. We sent the measure to the House of Representatives. Did Speaker BOEHNER and the Republicans in the House promptly pass this popular bill and send it to President Obama for his signature? Did they move to protect 98 percent of middle-class families from this tax hike in January? No. They decided to hold the middle-class tax cuts passed by the Senate hostage in an attempt to push for tax cuts for the folks they care about the most, the top 2 percent of the highest earning households.

Republicans fighting for millionaires and billionaires is not a new story. In 2001 President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates. Many Democrats opposed him then because the tax cuts were unfair by favoring the highest income Americans. To overcome that obstacle, the Republicans resorted

to a parliamentary technique of budget reconciliation, a maneuver that allowed for passage of their tax cuts but forced them to expire after 2010, at the end of the 10-year budget window.

So we scroll forward to 2010. As 2010 ended, President Obama and many Democrats in Congress, including myself, wanted to extend the tax cuts for middle-class families but let rates on income above $200,000 for an individual and $250,000 for a family revert to the Clinton-era levels. Our Senate Republican friends filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for the highest incomes as well. Their hostage strategy worked that time, and the President and Senate Democrats reluctantly agreed to extend the tax cuts for 2 more years.

Now the 2 years is up and these tax rates are again set to expire. That is why Senate Democrats passed the Middle Class Tax Cut Act in July. This measure balanced our desire to keep tax rates low for middle-class families against the urgency of addressing our national budget deficits. By keeping tax rates low for 98 percent of Americans and letting the tax rates go up very modestly for families earning over $250,000 a year, the Democrat plan would cut the deficit by as much as $1 trillion over the next decade. Now, that alone doesn't cure our budget imbalance, but along with fair and sensible tax reforms and smart cuts in spending, it is part of the solution.

Let's be clear about one thing: the Middle Class Tax Cut Act would still benefit high-end taxpayers. Families making over $250,000 a year would pay lower tax rates on their first $250,000. So if a family made $255,000, they would only see an increase on the top $5,000, and only to the Clinton-era rates that were in effect during the 1990s, when, as we all recall, our economy was thriving. Under the Senate-passed plan, a family earning $255,000 a year would pay an extra $150 in taxes.

In opposing the Middle Class Tax Cut Act, Republicans claim that it would hurt the economy to raise tax rates on the top 2 percent of income earners. Speaker BOEHNER reiterated that line last week saying: It'll hurt small businesses. It'll hurt the economy.

Well, that is vintage Republican political theory, but it is just not supported by the facts. In a recent report, the nonpartisan Congressional Budget Office estimated that extending the middle-class tax cuts would boost our national GDP, gross domestic product, by 1.25 percent next year. It said the economic effects of extending only the middle-class rates are similar to those of extending all of the rates. Why? Because upper income taxpayers are less likely to spend their tax savings and put it back into the economy.

In other words, CBO reports we would get virtually no economic bang for our Federal buck by extending the upper income tax cuts for which the Republicans are fighting. CBO's analysis is confirmed by the experience of real-world businesspeople.

Madam President, I ask unanimous consent to enter into the RECORD at the conclusion of my remarks an op-ed by former Stride Rite CEO Arnold Hiatt entitled ''Smite the myth that tax cuts create jobs.''

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

(See exhibit 1.)

Mr. WHITEHOUSE. Mr. President, Arnold Hiatt founded a successful small business before selling it to Stride Rite and then becoming CEO. He says:

> As every good businessman knows . . . the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

He continues:

> It is a fiction, pure and simple, that taxing so-called ''job creators'' will have an adverse effect on the economy.

Mr. Hiatt goes on to explain:

> In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half of that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why I . . . and many other millionaires pay a lower income-tax rate than many working American families.

He continues:

> Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate, and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

He concludes this way:

> The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

That is the CEO of Stride Rite shoes.

If we extend the upper income tax cuts for another year, it would add over $49 billion to the deficit. Even in Washington, $49 billion is real money, money that would have to be borrowed and would add to our debt problem. Believe it or not, Republicans who voted to turn Medicare into a voucher program in the name of deficit reduction support adding to the deficit with high-end tax cuts. In Rhode Island, at least, those are lousy priorities when it comes to deficit reduction. We should let the tax cuts at the top expire for reasons also of fairness. Loopholes and special provisions allow many super-high income earners to pay lower tax rates than many middle-class families.

According to the nonpartisan Congressional Research Service, 65 percent of individuals earning $1 million or more annually pay taxes at a lower rate than median income taxpayers making $100,000 or less. Sixty-five percent—nearly two-thirds—of individuals earning over $1 million a year actually pay a lower tax rate than median income taxpayers. That is a tax system that is turned upside down and needs to be fixed.

Earlier this year a majority of Senators voted to advance my Paying a Fair Share Act, the Buffett rule bill to ensure that multimillion-dollar earners pay at least a 30-percent effective Federal tax rate. The rate they are supposed to pay is 35 percent under the income tax laws. But because of all these loopholes and special rates, IRS statistics show the top 400 taxpayers in 2008 who earned, by the way, an average of $270 million each that year, paid the same 18.2 percent effective tax rate as paid by, for instance, a truckdriver in Rhode Island. The single biggest factor driving this inequality is the special low rate for capital gains that allows, for instance, hedge fund billionaires, through the carried interest loophole, to pay taxes at lower rates than their secretaries and chauffeurs. If we let the tax cuts at the top expire, those rates revert to 20 percent instead of 15 percent. Twenty percent is still a low rate for someone making $100 million a year, but it is closer to what a middle-class family is expected to pay.

In short, allowing the Bush-era tax cuts to expire for income above $250,000 is the fiscally responsible thing to do and the fair and proper thing to do. Why, then, hasn't Speaker BOEHNER called a vote on the Senate-passed Middle Class Tax Cuts Act? Because threatening middle-class families with higher taxes is their strategy, to push for breaks for millionaires and billionaires—the hostage strategy—with the middle class as the hostages as Republicans fight for whom they truly care about.

If Speaker BOEHNER continues to ignore the Senate-passed bill, I urge President Obama to stand firm on his opposition to extending the upper income tax cuts. The American people support that approach, and we should not cave in to pressure.

I would also urge the President and congressional leaders to work to include the Buffett rule principles in any deficit deal. Letting the upper income tax cuts expire and ensuring multimillion-dollar earners pay a fair share will assure the American people we are working for them and not the special interests as we allocate the burden of addressing our deficits.

EXHIBIT 1

[From the Providence Journal]

SMITE THE MYTH THAT TAX CUTS CREATE JOBS

PROVIDENCE JOURNAL EDITION

(by Arnold Hiatt)

As every good businessman knows—including former Massachusetts Gov. Mitt Romney, with whom I had been associated as a limited partner at Bain Capital Ventures—the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

If the now defeated presidential candidate Romney and congressional Republicans continue to insist on renewing the special Bush

tax cuts that go only to the wealthiest 2 percent of Americans like me, it will do nothing to create jobs. It is a fiction, pure and simple, that taxing so-called ''job creators'' will have an adverse effect on the economy.

Just the reverse is true. Instead of spending nearly $1 trillion on tax cuts to make millionaires even richer, those tax dollars can be used more constructively to retain teachers, police officers and firefighters, and repair roads and bridges. These are all essential services that will rebuild our economy and maintain a civil society. In addition, these tax dollars will contribute to deficit reduction.

The son of a Lithuanian immigrant to this land of now diminishing equal opportunity, I had the good fortune to start a small company that enjoyed a measure of success and that was eventually acquired by Stride Rite Corp. Twelve months later I was asked to become president of Stride Rite.

Throughout the last 10 years of my tenure, the company's return on investment was in the top 1 percent of all companies listed on the New York Stock Exchange. We created thousands of new jobs. By the time I left, we had over 5,000 employees. Our success rested on the quality of the product and service provided to consumers. It was a reflection on the quality of the workforce as well as the management. My success could not have been possible without the people whom we continued to hire and to train as we grew. I depended on them as much as they depended upon me.

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why Governor Romney and I and many other millionaires pay a lower income-tax rate than many working American families.

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

Romney knows better. It is a matter of record that during the time tax rates, both corporate and personal, were so much higher, our economy was booming. Conversely, the slowest job growth since World War II took place between the Bush tax cuts for millionaires and the 2008 economic meltdown.

A few months ago, every Republican in the House and Senate, along with 19 House Democrats and two Senate Democrats, voted against a bill ending the Bush tax breaks for the richest 2 percent, but extend them for 98 percent of Americans and 97 percent of small businesses. I hope they will take a fresh look at the facts. That's why I joined with over 100 other millionaires in signing a Voices for Progress letter to all members of Congress, appealing to them not to renew these tax breaks. Allowing the richest 2 percent to withhold tax dollars robs children of health and education. It is not only immoral, it is bad economics. They are the future of our country, which has begun to fall behind our competitors. It is also destroying the American Dream, which brought my father to this country alone at the age of 15.

Both he and the Founding Fathers would agree that the future of this nation should not be compromised by the shortsightedness of those so well off in the present. These are not the values that made this country great.

Arnold Hiatt is a former chief executive of Stride Rite Corp., based in Lexington, Mass. This article previously appeared in The Boston Globe.

I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

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

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

TRIBUTE TO MAYOR BILL PAXTON

Mr. McCONNELL. Madam President, I rise today to pay tribute to my good friend the mayor of Paducah, KY, Mr. Bill Paxton. Mayor Paxton has been a vital partner of mine in our efforts to bring economic development to the Paducah region, improve the quality of life for its residents, and represent their interests in public service. Paducah could not ask for a finer mayor than Bill Paxton.

Now it's my sad duty to report to my colleagues that after 12 years in office, Mayor Paxton is retiring. And although Kentuckians will miss his steady hand at the helm of leadership, no one can say Bill Paxton has not given more than his share of dedication and commitment to the people of his city. And we all certainly wish him the very best as he leaves the mayor's office and moves on to his next endeavors, where I am sure he will find much success just as he has in public service.

It would take too long for me to describe everything we've worked on together over the years, but I'll mention a few. For several years we worked together to bring economic growth to downtown Paducah with a new riverfront marina development. After a long road marked by the occasional setback, the Paducah Riverfront and Marina groundbreaking ceremony took place last month. The new riverfront will spur job creation and serve as a public space for all of Paducah's residents to enjoy.

For years, Mayor Paxton has been indispensable on a host of issues affecting the Paducah gaseous diffusion plant and its hard-working employees.

Bill has also been crucial in efforts to create the Paducah River Discovery Center, improve the Paducah Area Transit System, and upgrade local law-enforcement and safety resources such as the Public Safety Mobile Data System, which allows police and other emergency personnel to share and coordinate information.

And I can't forget Bill's leading role in designating the National Quilt Museum, located two blocks from the Ohio River in downtown Paducah, as the National Quilt Museum of the United States. As one of the most popular tourist attractions in the Bluegrass State, it regularly brings over 100,000 visitors yearly from all 50 States and 40 countries.

One of Bill's biggest successes over the last 12 years is the Lower Town revitalization project. Lower Town, a Paducah neighborhood that is rich with history but had become dilapidated with neglect, became the focus of renewal for city government under the mayor's vision.

Revitalization efforts focused on creating an awareness of Lower Town as a cultural center for the arts and an accessible retail environment friendly to local businesses. Now, a decade later, this project has been successful, yielding much renovation of local historic buildings and new construction, luring more than 75 new artists and businesses to Lower Town, and bringing over $30 million in private investment in the area.

Bill was born and raised in Paducah. Prior to serving three terms as mayor, he was elected to Paducah's city commission in 1998. It was a family tradition, as his father, William F. Paxton Jr., had also served on the city commission. As a private citizen, Bill worked for 30 years in the banking industry. Bill is also one of the few mayors in Kentucky to serve two terms as head of the League of Cities, proving his talents are appreciated not just in Paducah but across Kentucky.

I have been pleased to get to know both Bill and his wife, Lucy, over the years and am proud to call them close friends. I am sure that Lucy; their two children, Christina Paxton Cassetty and William F. Paxton IV; and many other beloved friends and family members join me and Elaine in saying we are proud of Bill Paxton's record of accomplishment as mayor, and we wish him the best in his well-earned retirement. He is one of Kentucky's most distinguished citizens and public servants.

TRIBUTE TO DR. RUSSELL DOHNER

Mr. DURBIN. Madam President, I want to recognize ''a wonderful life.'' Much like the movie starring Jimmy Stewart, it is the story of a small town boy who dreamed of big adventures in a big city, but who discovered his life's calling not far from home.

For nearly 60 years, Dr. Russell Dohner has dedicated his life to providing affordable healthcare to residents of Rushville—a rural community in western Illinois.

Dr. Dohner grew up on a farm, not far from Rushville, one of seven children. He experienced seizures as a small boy, and it was his family doctor who stayed by his side and inspired him to enter the medical field. After high school, Dr. Dohner served in the Army during World War II, attended Western Illinois University, and then worked his way through Northwestern University Medical School.

Although he hoped to move to a big city and work as a cardiologist, he knew Rushville, a city of just 3,200 people, needed a doctor. In 1955 he opened an office there hoping to stay just a few years. That was 57 years ago. Today, little has changed in his Rushville office—the nurses, the furniture, and the price of a visit. He charges patients just $5 a visit.

He does not take health insurance, but at only $5 most of his patients can afford the visit. Even if someone cannot pay, he still helps them.

Dr. Dohner barely makes enough money to pay his nurses, and he relies on income from his family's farm to make ends meet. However, one thing that helps keep the office overhead low is the lack of technology. There is no computer, no fax machine, and no answering machines. Five decades of records are kept on handwritten, 4-by-6 index cards.

Dr. Dohner keeps his office open 7 days a week. On Sundays he stops in before going to church. He starts his day making rounds at Culbertson Memorial Hospital in Rushville, he then takes patients at his office, and he ends the day with another round at the hospital. He may see as many as 120 patients a day. He works with patients on a first-come, first-serve basis. But, if it is an emergency Dr. Dohner lets them use the back door. And if patients are too sick to make the trip in, he will make a house call.

Although he has no children of his own, he has delivered more than 3,500 babies. This happens to be more people than the population of Rushville.

Dr. Dohner puts patients before himself. He has never been on a vacation and cannot remember ever taking a day off. The only time he has closed down his office was when he suffered a heart attack and he himself needed medical care. Dr. Dohner has said, ''I have to take care of my patients first.''

At age 87 and after nearly 60 years on the job, Dr. Dohner continues to provide the rural area with selfless service, hard work, and affordable healthcare. He does not seem to be slowing down much, and for that, the community is grateful.

Dr. Russell Dohner is as a wonderful example of how one person's life can have a big impact on a small town.

VOTE EXPLANATION

Mr. MERKLEY. Madam President, because of an important meeting with business and government leaders in Oregon on Monday morning, I was forced to miss votes on Paul William Grimm's nomination as U.S. district judge, and for the motion to invoke cloture on S. 3254, the National Defense Authorization Act. I wish to record for the RECORD that had I been present, I would have voted ''aye'' on each vote.

RECOGNIZING WILDLIFE CONSERVATION DAY

Mr. WHITEHOUSE. Madam President, as cochairs of the International Conservation Caucus, Senator TOM UDALL and I stand together on Wildlife Conservation Day, December 4th, to emphasize the need for governments, organizations, and individuals to protect the world's endangered species, which face threats from poaching, illicit trade, pollution, and improper land use.

The International Conservation Caucus has focused attention this Congress on poaching and the illegal wildlife trade, a lucrative and illicit global market worth anywhere from $5 to $20 billion annually. This trade threatens biodiversity, stability, and the rule of law.

New initiatives proposed by the U.S. State Department are needed to protect wildlife, combat trafficking, and reduce demand. We applaud the State Department's commitment to strengthening a global system of wildlife enforcement and the work of the U.S. Agency for International Development to strengthen regional antitrafficking networks.

In addition, we and our allies should investigate and prosecute wildlife crime more aggressively, but we should not see the seizure of ivory, rhino horns, and other wildlife products as the sole measure of success. We must also reduce demand, take down trafficking kingpins through international law enforcement efforts, and protect wildlife populations to prevent environmental devastation. Advanced technologies and modern forensics can aid these efforts.

On the diplomatic front, our Ambassadors must increase the pressure on countries to ensure members of their militaries and law enforcement agencies do not look the other way or participate in trafficking of wildlife and that enforcement is rigorous. Public education programs both abroad and here in the United States must be expanded to reduce demand for trafficked wildlife and products.

We look forward to continuing to promote policies that protect natural resources and wildlife. Wildlife conservation is vital to maintaining biodiversity, global stability, and economic vitality across the world.

REMEMBERING JONATHAN MICKLE

Mrs. SHAHEEN. Madam President, today I wish to honor the military service of Jonathan Mickle. Jonathan died on October 30 in Rye, NH. He is remembered as a dedicated servicemember who served in the U.S. Army and deployed to Iraq in support of Operation Iraqi Freedom from January 2006 to February 2007.

Jonathan was born August 19, 1985 in Portsmouth, NH. He graduated from Portsmouth High School in 2003 and went on to attend Southern New Hampshire University where he received high academic honors and made the dean's list.

Jonathan joined the U.S. Army after graduating college. He became a Fire Direction Specialist with Charlie Battery, 2nd Battalion, 3rd Field Artillery Regiment. For his service during the war in Iraq, he was awarded numerous medals, including the Army Commendation Medal, the Army Achievement Medal and the Army Good Conduct Medal.

Jonathan took pride in his service to his country. After returning from Iraq, he became a member of the Emerson Hovey Veterans of Foreign Wars Post #168, supporting and being supported by fellow veterans and continuing to stay involved in the Army. He was also a dedicated New England Sports fan.

There are no words to adequately thank this brave New Hampshire son for his commitment to our country. I hope that, during this hard time, Jonathan's friends and family can find comfort knowing that Americans everywhere share a deep and profound appreciation for their Jonathan's willingness to answer the call to defend America and our way of life.

Sadly, Jonathan's mother, Katie Mickle, passed away suddenly in 2000 from pancreatic cancer at the age of 39. Jonathan is survived by his father Warren of Portsmouth, his brothers, Robert and Matthew and his wife, Kristy, of Kittery, ME; his sister Whitney Mickle and her fiancé Michael Foley of Eliot; and niece Marlee Jane Mickle.

I ask my colleagues and all Americans to join me in honoring the life and service of this dedicated servicemember and brave young American, Jonathan Mickle.

TRIBUTE TO FLIGHT 93

Mr. CASEY. Mr. President, I would like to include the remarks made by Mr. Gordon Felt, former President of the Families of Flight 93, for the RECORD in honor of the Congressional tribute held earlier this morning. I want to extend my gratitude to Mr. Felt and the Families of Flight 93 for their tireless commitment to honoring the heroic sacrifice of their loved ones.

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

Good morning. Mrs. Toomey, Mrs. Casey, the entire host committee and members of the House and Senate joining us today, to our partners at the National Park Service and National Park Foundation and to those family members in attendance, I stand before you with an overwhelming sense of pride knowing that this building, this symbol of our nation's great democracy, perhaps would have been destroyed were it not for the selfless actions of 40 brave men and women

aboard United Flight 93. For without their courageous stand taken on September 11, 2001, our Capitol building and many of those serving within, perhaps some of you, may have been further victims of the terrorism that fundamentally changed our lives and our country on that dark day. With each visit to the Capitol I make time to pass through the Rotunda and view the magnificent plaque dedicated to the actions of the passengers and crew of United Flight 93. While the traumatic repercussions of September 11, 2001 have been deeply felt by each and every family member that lost a loved one that day, and by the community of Somerset County whose lives and way of life have been forever changed, I appreciate the conscious awareness of those serving in this building of the fact, that as tragic as that day was to our country, it could have been significantly worse.

As family members that lost loved ones aboard United Flight 93, we struggle continually with our loss. Our lives over the past eleven years have all taken differing paths with one common factor that will forever bind us together. Our family of Flight 93, forged in tragedy and thrust into the public domain has provided an avenue by which we can advocate for those family members that will forever remain alive in our hearts and minds. This journey has not been easy for any and more difficult for some.

For some families and individuals, withdrawal into their personal lives at home, or fresh new starts beyond the reach of the media and chaos of September 11th have been an avenue of survival. Others have joined in community with family members suffering similar loss and have found comfort with the understanding that comes from shared tragedy. And there are others that have continued to move forward masking their grief as they approach life one day at a time . . . surviving. Within our families there are others that have made a conscious decision to serve as advocates, representing the interests of the Families of Flight 93 through the Flight 93 National Memorial Partnership. No avenue of healing is proper and correct for all, just as no closure will ever be felt for those experiencing such great loss.

Our families are spread out across the globe and represent a unique diversity in culture. Yet, when we gather together each year on the anniversary of September 11th, we are one. Somerset County, Pennsylvania has become an extension of our homes and the community has welcomed us into their hearts unconditionally even as they struggle daily with the impact of events set in motion on September 11, 2001. Their lives have been impacted in ways that they are still coming to understand. Yet there is a strength and wholesomeness in the people of Somerset County that provides great comfort to our families. They proudly stand as Ambassadors working hand in hand with the National Park Service ready to tell the story of our loved ones to any and all that visit the memorial.

The Flight 93 National Memorial is more than a tribute to 40 heroes. Its existence serves our country in a far greater capacity than just as a place marker for history. Over these past 11 years we have come to realize that the Flight 93 National Memorial has a quality within similar to that of Gettysburg or Pearl Harbor. A strong sense of purpose, of loss, yet triumph permeates the entire site and only becomes more intense as visitors approach and gaze upon our Sacred Ground. The memorial was designed to honor 40 heroes, but also serves in the short term to help heal a generation of Americans deeply affected by the traumatic effects of September 11th and stands to preserve a piece of our cultural heritage in order to educate and inspire future generations.

''Do what is right, not what is easy.'' Since September 11th this mantra has guided so many within our Flight 93 National Memorial partnership and our extended Flight 93 National Memorial Family. Whether it is in the halls of Congress, Harrisburg, Somerset, or Shanksville, Pennsylvania, this project has been joined by all that appreciate the personal, political, cultural and historical impact September 11th has had on our country and freedom loving peoples around the world. On one of the bleakest days in our history, the trial of 40 individuals helped us remember that we are strong with an unquenched thirst for freedom and that no person or ideology will ever cause us to waver from a course that was set in motion by our forefathers.

In those defining 22 minutes when our loved ones experienced a horror beyond comprehension, they collectively chose to act. Not as individuals, but as a force ignited by the love of family, love of freedom and a superiority in spirit unwilling to sit back and allow an evil so incarnate to suppress their dreams and desires. They were thrust together by events not caused by individual existences, but by social, political, and religious forces that sought to break our spirit through terror. How can we not stand in awe? How can we not celebrate their spirit? How can we not honor those 40 individuals that have been woven into the fabric of our nation's proud history? The Flight 93 National Memorial will ensure that their efforts, their actions and their spirit will not be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR D. LEIGH HASSON

• Mr. BEGICH. Mr. President, I wish to recognize my 2012 defense legislative fellow, MAJ D. Leigh Hasson. Major Hasson served my office with distinction. From her first town hall in Fairbanks, AK, to her final days spent on the floor of the United States Senate as the National Defense Authorization Act for Fiscal Year 2013 was being considered, she demonstrated honor, integrity, leadership and professionalism.

Major Hasson received her commission from the United States Air Force Officer Training School in January 2000. As a navigator with over 1,000 combat flight hours, she has deployed in support of Operations Northern Watch, Southern Watch, Enduring Freedom and Iraqi Freedom. She has experience establishing and supporting major commands including the International Security Assistance Force Joint Command headquarters and Joint Forces Command. Major Hasson has been selfless in her service and sacrifice throughout her career.

Her family has supported her through these deployments and her tenure in the Air Force. Her husband David, son Samuel and daughter Alexis have been by her side through it all. It is for them she serves our Nation—to protect what they have and to protect their future. I would like to thank David, Samuel and Alexis for their sacrifices in support of Major Hasson.

Hailing from Trapper Creek, AK, Leigh embodies Alaska values. She is independent, inquisitive, a self-starter and actively involved in her work and community. While in my office, Leigh completed the Truman National Security Project Security Scholars program. She was the office's liaison to the Alaska State Society, she taught Bible study at her church and somehow she still found the time to train and run the Army Ten-Miler in support of our troops.

As a defense legislative fellow, she contributed greatly to the State of Alaska and the Nation. She led the charge on Arctic issues because she recognized the increasing importance of the region. Due to her work, I was successful in securing report language to accompany the National Defense Authorization Act for Fiscal Year 2013 on appropriately resourcing the Arctic. She staffed me at numerous hearings and provided vital insight on a number of pressing national security issues.

As a member of my team, Leigh approached each day with a positive attitude. Despite working in an environment where one can easily become discouraged by politics, Leigh never failed to smile and press forward in the best interest of the Nation.

It has been a pleasure to host Major Hasson in my office. I wish her the best in her future endeavors and thank her for her service.•

TRIBUTE TO CHIEF JUDGE ROBERT M. BELL

• Mr. CARDIN. Madam President, today I wish to recognize the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals, for his outstanding contributions as a jurist, administrator, and justice advocate. His work on the bench has transformed the Maryland judicial system. His success in Maryland has provided leadership for national initiatives. And Chief Judge Bell has secured his place in history as a civil rights leader, both in Maryland and nationally.

Chief Judge Bell has served as the Chief Judge of the Maryland Court of Appeals and the head of Maryland's Judiciary for the past 15 years. But before Chief Judge Bell took the bench, I want to bring to the attention of my colleagues in the Senate that Chief Judge Bell was already involved with our State's judicial system. As a high school student, he was a civil rights protestor who engaged in civil disobedience in Baltimore, and his case ultimately reached the U.S. Supreme Court.

The Maryland State Archives has used the Bell v. Maryland case as part of its series on ''Teaching American History in Maryland''. According to the account by the Archives, in 1960, the majority of restaurants in downtown Baltimore were still segregated and blacks were not served at all-white dining establishments. Students from Dunbar High School and Morgan State

College were recruited by the Civic Interest Group to enter all-white restaurants and demand service. On June 17, 1960, a group of students entered Hooper's Restaurant, located at Charles and Fayette Streets, and asked to be served. They were told to leave, but 12 of the students, including 16-year-old Robert Mack Bell from Dunbar High School, refused. They were each charged with trespassing, found guilty, and fined $10. The case was appealed, and one of the students' lawyers was Thurgood Marshall from the National Association for the Advancement of Colored People, NAACP, who went on to become the first African-American Justice on the United States Supreme Court. The students and their attorneys argued that the use of the State's trespassing laws to support segregation of public accommodations violated the Fourteenth Amendment, which guarantees the ''equal protection of the laws'' to all persons.

In 1962, the Maryland Court of Appeals upheld the students' convictions and the decision of the lower court, and the case was appealed to the U.S Supreme Court. In the summer of 1964, the United States Senate finally overcame a filibuster and passed the Civil Rights Act of 1964, which prohibited segregation and discrimination in public accommodations. The State of Maryland also passed a public accommodations law. Shortly after this action by Congress, the Supreme Court remanded the case back to the Maryland Court of Appeals. On April 9, 1965, the convictions were reversed, the students were cleared of all charges, and the City of Baltimore was ordered to pay court costs to the students.

Robert Mack Bell went on to graduate from Morgan State in Baltimore and then Harvard Law School, and was admitted to the Maryland Bar in 1969. After working in private practice for several years, he was appointed as a Baltimore City District Court judge, which handles misdemeanors. In 1980, he was elevated to the Baltimore City Circuit Court, which handles felony cases and jury trials. In 1984, he was elevated again to the Court of Special Appeals, our intermediate appellate court. In 1991, Judge Bell was appointed to the Maryland Court of Appeals, our State's top court. Finally, he was appointed as Chief Judge of the Maryland Court of Appeals in 1996, becoming the first African-American to serve in that capacity. He is one of the few judges to serve at all four levels of the Maryland judiciary during his career. And Chief Judge Bell also has the rare distinction of serving on and then running a court that had previously ruled against him.

During his 2 decades on the bench, Chief Judge Bell has been a moving force on committees and commissions that have looked at ways to provide greater access to justice, to better incorporate the advantages of technology, and to enhance legal training and compensation.

In 2002, Chief Judge Bell appointed a Commission on Racial and Ethnic Fairness in the Judicial Process to evaluate outcomes and recommend ways to reduce or eliminate unequal access to or treatment by the court system. In 2008, he created the Access to Justice Commission to develop, consolidate, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters. He sought ways to find non-traditional methods to help solve the problems of crime by promoting Alternative Dispute Resolution, ADR, programs throughout Maryland. He promoted the growth of drug treatment courts in Maryland and established the Standing Committee on Problem-Solving Courts to coordinate these efforts. He used technology to provide more accurate and uniform data critical to the enforcement of domestic violence and peace orders, and launched an ongoing effort to prepare Maryland judges to adjudicate cases involving science and biotechnology. And when the housing crisis hit Maryland, he called Maryland's legal community together to provide pro bono assistance to homeowners faced with foreclosure. As a result of those efforts, the Maryland General Assembly passed legislation to better protect homeowners.

Time and time again, when Chief Judge Bell has faced challenges, he has seized the opportunity to find solutions. He has done so with grace and intellect and compassion. He has rallied the legal community and expanded opportunities for those with few options and no voice.

From Robert Bell's days as a high school student, long before he even went to law school, he has strived to promote justice and equality for all Americans. The Preamble to the Constitution provides that ''We the People of the United States, in Order to form a more perfect Union, establish Justice do ordain and establish this Constitution for the United States of America.'' Just like Thurgood Marshall, a fellow Baltimorean and legal giant, Chief Judge Bell has played a large part in upholding and defending our Constitution in Maryland, and in helping our State and nation move toward ''establishing justice'' and creating a ''more perfect union.'' I urge my colleagues to join me in thanking Chief Judge Robert Bell for his civil rights leadership, contributions to the legal community, and inspirational life as he retires after an outstanding career of public service.●

TRIBUTE TO LEE SACHS

● Mr. CARDIN. Madam President, today I wish to recognize the contributions of Lee Norman Sachs, one of America's outstanding first-responders and human beings whose contribution of time, talent, and leadership span over 3½ decades. Lee graduated from the University of Pennsylvania and the University Of Maryland School Of Law, and began practicing law in 1967, concentrating on family law and real estate matters. But his desire to do more for his community led him to take Emergency Medical Technician, EMT, training and join the Pikesville Volunteer Fire Department. Over the years, Lee took more and more training, first to qualify as a paramedic and then as a firefighter, fire driver/operator and lastly a fire instructor.

Lee's dedication, training, and leadership skills have resulted in his election to many volunteer fire positions, most notably as president of the Pikesville Volunteer Fire Department, the Baltimore County Volunteer Firemen's Association, and the Maryland State Firemen's Association. He has been inducted into the Baltimore County Volunteer Firemen's Association Hall of Fame, named Executive Officer of the Year, and received the organization's President's Award. He was recognized by the Maryland State Firemen's Association as EMS Provider of the Year and recipient of the Gladhill-Thompson Trophy.

At the same time Lee was performing all of this public service, he was also working as a well-respected attorney, volunteering time at the Women's Law Center and the Maryland Bar Association, and providing pro bono legal services to clients referred by the Maryland Volunteer Lawyers Service.

Lee Sachs has led a life dedicated to serving his community. I hope all Senators will join me in thanking him for his commitment to public service and his efforts to ensure the health and safety of his fellow Marylanders.●

MEASURES PLACED ON THE CALENDAR

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

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8401. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs Annual Report for fiscal year 2011; to the Committee on Armed Services.

EC–8402. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations'' (31 CFR Part 515) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8403. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S.

exports to South Korea and China; to the Committee on Banking, Housing, and Urban Affairs.

EC–8404. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates (UAE); to the Committee on Banking, Housing, and Urban Affairs.

EC–8405. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Editorial Corrections to the Commerce Control List of the Export Administration Regulations'' (RIN0694–AF62) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Director for Internal Control and Management Systems, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Obsolete Regulation'' (RIN2700–AD78) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8407. A communication from the Assistant Regional Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska—2012–13 and 2013–14 Subsistence Taking of Wildlife Regulations'' (RIN1018–AX33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Energy and Natural Resources.

EC–8408. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Delegating Falconry Permitting Authority to Seven States'' (RIN1018–AZ16) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8409. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Riverside Fairy Shrimp'' (RIN1018–AX15) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8410. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern Selkirk Mountains Population of Woodland Caribou'' (RIN1018–AX38) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8411. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Revised Critical Habitat for the Northern Spotted Owl'' (RIN1018–AX69) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Environment and Public Works.

EC–8412. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. RSAT 12–2912); to the Committee on Foreign Relations.

EC–8413. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–145); to the Committee on Foreign Relations.

EC–8414. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Informal Entry Limit and Removal of a Formal Entry Requirement'' (RIN1515–AD69) received in the Office of the President of the Senate on November 29, 2012; to the Committee on Finance.

EC–8415. 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 ''Branded Prescription Drug Fee; Guidance for the 2013 Fee Year'' (Notice 2012–74) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8416. 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 ''Tier 2 Rates for 2013'' received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8417. 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 ''2013 Standard Mileage Rates'' (Notice 2012–72) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8418. 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 ''2013 Section 1274A CPI Adjustments'' (Rev. Rul. 2012–33) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8419. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Base Period T-Bill Rate'' (Rev. Rul. 2012–22) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Finance.

EC–8420. 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 ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. FDA–2000–N–0011) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8421. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8422. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8423. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8424. A communication from the Vice Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8425. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's fiscal year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8426. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

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. BEGICH:

S. 3651. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BOOZMAN, Mr. FRANKEN, and Mr. PRYOR):

S. 3653. A bill to improve the training of child protection professionals; to the Committee on the Judiciary.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. BLUMENTHAL, and Mr. LIEBERMAN):

S. 3655. A bill to provide enhanced disaster unemployment assistance to States affected by Hurricane Sandy and Tropical Storm Sandy of 2012, and for other purposes; to the Committee on Finance.

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

S. 3656. A bill to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. Res. 608. A resolution supporting the establishment of a President's Youth Council; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 1423

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1423, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 2207

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2207, a bill to require the Office of the Ombudsman of the Transportation Security Administration to appoint passenger advocates at Category X airports to assist elderly and disabled passengers who believe they have been mistreated by TSA personnel and for other purposes.

S. 2247

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2247, a bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3626

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3626, a bill to provide financing assistance for qualified water infrastructure projects, and for other purposes.

S. 3628

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3628, a bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding, the availability and coverage of breast reconstruction, prostheses, and other options.

S. 3647

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3647, a bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

AMENDMENT NO. 2930

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2930 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3004

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3004 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3054

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 3054 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3196

At the request of Mr. MERKLEY, his name was added as a cosponsor of amendment No. 3196 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3249

At the request of Mr. BEGICH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3262

At the request of Mr. LEVIN, his name and the name of the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 3262 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3285

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 3285 proposed to S. 3254, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. COONS):

S. 3652. A bill to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our intellectual property system in the United States is the envy of the world and the engine of economic growth. By granting inventors exclusive rights in their discoveries for a limited time, the patent system incentivizes research and development by independent inventors and large multinational companies. Consumers benefit from new technologies, and our economy benefits from continued investment.

I am introducing legislation today that will encourage patent holders to apply their intellectual property to address global humanitarian needs. This has long been an interest of mine. In 2006, I introduced legislation that would have created a statutory license to manufacture and export life saving medicines to eligible, developing countries.

Today's legislation, rather than creating a statutory license, improves on a program created by United States Patent and Trademark Office, PTO, earlier this year. The PTO's ''Patents for Humanity'' Program provides rewards to selected patent holders who apply their technology to a humanitarian issue that significantly affects the public health or quality of life of an impoverished population. Those who receive the award are given a certificate to accelerate certain PTO processes.

Following a Judiciary Committee hearing in June, I asked Director Kappos whether the program would be more effective, and more attractive to patent owners, if the acceleration certificate were transferable to a third party. He responded that it would, particularly for small businesses. The Patents for Humanity Program Improvement Act of 2012 simply makes these acceleration certificates transferable.

Director Kappos described the Patents for Humanity Program as one that provides business incentives for humanitarian endeavors. All Senators should support both the approach and the objective.

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. 3652

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 ''Patents for Humanity Program Improvement Act of 2012''.

SEC. 2. TRANSFERABILITY OF ACCELERATION CERTIFICATES.

(a) IN GENERAL.—A holder of an acceleration certificate issued pursuant to the Patents for Humanity Program (established in the notice entitled ''Humanitarian Awards Pilot Program'', published at 77 Fed. Reg. 6544 (February 8, 2012)), or any successor thereto, of the United States Patent and Trademark Office, may transfer (including by sale) the entitlement to such acceleration certificate to another person.

(b) REQUIREMENT.—An acceleration certificate transferred under subsection (a) shall be subject to any other applicable limitations under the notice entitled ''Humanitarian Awards Pilot Program'', published at 77 Fed. Reg. 6544 (February 8, 2012), or any successor thereto.

By Mr. REID:

S. 3654. A bill to create equal footing for tribal economic development; to the Committee on Indian Affairs.

Mr. REID. 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. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GAMING ACTIVITIES.

Section 207 of Public Law 100–89 (25 U.S.C. 737) is repealed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 608—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. UDALL of New Mexico (for himself, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 608

Whereas the unique perspectives and insights of young people, especially young people who have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council, are essential to ensure that investments made by the Federal Government in youth services are effective and efficient;

Whereas existing outreach and engagement mechanisms of the Federal Government are often designed in ways that inhibit participation by, and lead to the under-representation of, young people in the policy-making process; and

Whereas numerous Members of Congress, Governors, State legislatures, mayors, and city councils have created youth councils that have proven to be an effective means of receiving input from young people, which leads to more effective and efficient investments in youth services: Now, therefore, be it

Resolved, That the Senate—

(1) supports the establishment with private funds of a President's Youth Council to—

(A) advise the President and the executive branch on the perspectives of young people;

(B) suggest ways to make investments by the Federal Government in youth services more effective and efficient; and

(C) provide recommendations on issues that will affect the long-term future of the United States;

(2) recommends that the members of the President's Youth Council be young people who—

(A) are appointed by the President, the majority leader and minority leader of the Senate, and the Speaker and minority leader of the House of Representatives;

(B) are between 16 and 24 years of age;

(C) have participated in a public policy-related program, outreach initiative, internship, fellowship, or congressionally sponsored youth advisory council;

(D) can constructively contribute to policy deliberations;

(E) can conduct outreach to solicit the views and perspectives of peers; and

(F) have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States; and

(3) recommends that the President's Youth Council as a whole undertake activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of Congress and the head of each department or agency of the Federal Government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3309. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes.

TEXT OF AMENDMENTS

SA 3309. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1947, to prohibit attendance of an animal fighting venture, and for other purposes; as follows:

On page 2, line 21, insert ''knowingly'' before ''cause''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 4, 2012, at 2:30 p.m.

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

INTERNATIONAL PARENTAL CHILD ABDUCTION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. Res. 543.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 543) to express the sense of the Senate on international parental child abduction.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments in the nature of a substitute to the preamble and the resolutions as follows:

[Strike the parts shown in boldface brackets and insert in lieu thereof the parts shown in italic.]

S. RES. 543

Whereas international parental child abduction is a tragic and common occurrence;

Whereas the abduction of a child by one parent is a heartbreaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;

Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including ''anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior'';

Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of ''betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression'', as well as financial strain while fighting for the return of a child;

Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the ''Hague Abduction Convention'') with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;

Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;

Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;

Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;

Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;

Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;

Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;

Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and

Whereas Japan is the only member of the Group of 7 major industrialized countries that has not yet become a party to the Hague Abduction Convention: Now, therefore, be it

Resolved,

That—

(1) the Senate—

(A) condemns the international abduction of all children;

(B) urges countries identified by the United States Department of State as noncompliant or demonstrating patterns of noncompliance with the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this resolution as the ''Hague Abduction Convention'') to fulfill their commitment under international law to expeditiously implement the provisions of the Hague Abduction Convention;

(C) calls on all countries to become a party to the Hague Abduction Convention and to promptly institute measures to equitably and transparently address cases of international parental child abduction; and

(D) calls on all countries that have not become a party to the Hague Abduction Convention to develop a mechanism for the resolution of current and future cases of international parental child abduction that occur before those countries become a party to the Hague Abduction Convention in order to facilitate the prompt return of children abducted to those countries to the children's countries of habitual residence; and

(2) it is the sense of the Senate that the United States should—

(A) vigorously pursue the return of each child abducted by a parent from the United States to another country through all appropriate means, facilitate access by the left-behind parent if the child is not returned, and, where appropriate, seek the extradition of the parent that abducted the child;

(B) take all appropriate measures to ensure that a child abducted to a country that is a party to the Hague Abduction Convention is returned to the country of habitual residence of the child in compliance with the provisions of the Hague Abduction Convention;

(C) continue to use diplomacy to encourage other countries to become a party to the Hague Abduction Convention and to take the necessary steps to effectively fulfill their responsibilities under the Hague Abduction Convention;

(D) use diplomacy to encourage countries that have not become a party to the Hague Abduction Convention to develop an institutionalized mechanism to transparently and expeditiously resolve current and future cases of international child abduction that occur before those countries become a party to the Hague Abduction Convention; and

(E) review the advisory services made available to United States citizens by the United States Department of State, the United States Department of Justice, and other United States Government agencies—

(i) to improve the prevention of international parental child abduction from the United States; and

(ii) to ensure that effective and timely assistance is provided to United States citizens who are parents of children abducted from the United States and taken to foreign countries.

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment be agreed to and the Senate proceed to a voice vote on adoption of the resolution, as amended.

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

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

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 543), as amended, was agreed to.

Mr. WHITEHOUSE. Madam President, I further ask unanimous consent that the committee-reported amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

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

The preamble, as amended, was agreed to.

ORDERS FOR WEDNESDAY, DECEMBER 5, 2012

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 5, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for up to 4 hours, with Senators permitted to speak therein for up to 10 minutes each, except where noted below and the time be divided as follows: the majority controlling the first 30 minutes, the Republicans controlling the next 30 minutes, Senator GRASSLEY controlling the next 45 minutes, the majority controlling the next 45 minutes, the Republicans controlling the next 45 minutes, and the majority controlling the following 45 minutes; and that following morning business, the Senate proceed to the consideration of H.R. 6156, the Russia trade bill.

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

PROGRAM

Mr. WHITEHOUSE. Madam President, I am informed that we expect to complete action on the Russia trade bill during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Madam 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 6:30 p.m., adjourned until Wednesday, December 5, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

STEM JOBS ACT OF 2012

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 30, 2012

Mr. SHERMAN. Mr. Speaker, hundreds of millions of hard-working people who are citizens of foreign nations want to become Americans. That is a testament to the greatness of our country.

America can only accept a limited number of those who wish to move to our shores each year. Accordingly, we should provide visas in a manner that reflects they are a valuable asset to be allocated carefully.

I do not believe the Diversity Visa Lottery is a good way to allocate the inherently limited number of immigrant visas. I believe that a rational, well-designed immigration system would not include the Diversity Visa Lottery.

Given the political climate and legislative rules that we face, the passage of the bill before us on Friday, November 30, 2012, was not a step toward enacting a well-designed, rational immigration system. Nor was the Democratic Motion to Recommit likely to be the basis of a bipartisan reform bill. In any case, the bill will not be acted on by the Senate.

Some of the visas we allocate should go to those who can provide the investment capital to create jobs within the United States. Some of the visas should go for family unification and for the humane treatment of refugees and persecuted persons. And some visas should go to those who have talents and skills that our economy needs. However, we need a better system than the one provided in this bill.

I look forward to creating a rational immigration system in 2013.

HONORING UNITED STATES AIR FORCE VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the Air Force:

Willie H. Duckworth, William Frank Kornegay, Lexxie Neloms, Jr., Henry David Cunningham. Jr., David A. Bell, Jimmie L. Brown, Ronald E. Green, Charles K. Bronson, Clarles Flower, Charles Ronnye Johnson, Sr., Rolland James, Elizabeth Meyers, George Morris, Lee Miller Brown, Sr., Louis Sparks II, Benjamin R. Wilson, Roland James, Alfred Gordon, Louis Tyler, Christopher Flynn, Clyde Hilton, Loyd Harrison, Fred Rosenkoff Derek Joy, Otis Kitchen, Carolyn Crowell, Andrea Naomi Johnson, Robert A. Sewell, George Albert Stewart, Elizabeth Myers, Antonio White, Skip Williams, Rodney X. Chain, Stafford Nairn, Willard Shepard, Darryl Jones, Ryan Ayer;

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for rollcall votes Nos. 609 and 610 on Tuesday, November 27, 2012. Had I been present, I would have voted in this manner:

Rollcall vote No. 609—On Motion to Suspend the Rules and Pass, as amended, the Medical Preparedness Allowable Use Act: "yes."

Rollcall vote No. 610—On Motion to Suspend the Rules and Concur in the Senate Amendment, the Jamie Zapata Border Enforcement Security Task Force Act: "yes."

CELEBRATING THE SAN FRANCISCO GIANTS 2012 WORLD SERIES VICTORY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the 2012 World Series Champions, the San Francisco Giants. On October 28, 2012, the Giants defeated the Detroit Tigers by a score of four to three in game four to sweep the World Series, winning the franchise's second championship since the team moved to San Francisco from New York in 1958. By their tremendous victory, our Giants once again made us the proudest city in baseball.

This year, the Giants showed tenacity, heart, and teamwork on their path to victory. They unleashed their arsenal of reliable starting pitching, stellar relief pitching, heroic defense, and powerful hitting to outlast their rivals in the fiercely contested National League Western Division. Their performance was a portrait of grit and good sportsmanship from the first pitch through the last, and we celebrate them for their excellence on and off the field.

There is no one superstar on the Giants' roster; they are a band of brothers who "play for the name on the front of their jerseys, not the name on the back." Congratulations to all 25 players on the playoff roster, including World Series Most Valuable Player Pablo Sandoval, who demonstrated the true meaning of "Panda Power" to the rest of the country, and National League Most Valuable Player Buster Posey, as well as: Jeremy Affeldt, Madison Bumgarner, Matt Cain, Santiago Casilla, Tim Lincecum, Javier Lopez, Guillermo Mota, George Kontos, Sergio Romo, Barry Zito, Ryan Vogelsong, Marco Scutaro, Brandon Crawford, Gregor Blanco, Aubrey Huff, Brandon Belt, Hunter Pence, Angel Pagan, Hector Sanchez, Jose Mijares, Joaquin Arias, Ryan Theriot, and Xavier Nady.

This year's extraordinary win required a full team effort, from the field to the front office. While the players poured their hearts out on the diamond, the thanks and gratitude of all Giants fans also goes to the team's Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy. Through their commitment, strategy, guidance, and dedication, the 2012 San Francisco Giants emerged as the 2012 World Series champions.

The San Francisco community united in support behind their team and an estimated one million fans turned out to celebrate their victory in a parade full of past and present San Francisco baseball legends. Congratulations to the passionate and devoted Giants fans in northern California, across the country, and around the world for their unrelenting support of the Giants.

HONORING OUR VETERANS AND THEIR FAMILIES THROUGH THE AMERICAN VETERANS TRAVELING TRIBUTE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who have risked and given their lives to protect our freedoms, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and honor our military veterans and their families through the American Veterans Traveling Tribute.

Our veterans have quietly gone to work and war so that Americans can freely pursue their

dreams. Their spouses have gone about the daily task of keeping the home fires burning, and have often sacrificed careers and other goals to provide stability at home during constant transitions. Furthermore, their children have learned to be resilient and appreciative of the cost of freedom. They are strong families who have contributed to our communities, and have defended our Constitution and freedoms.

The American Veterans Traveling Tribute is a mobile memorial dedicated primarily to the memory of fallen military members from Vietnam. The traveling unit centerpiece of a the American Veterans Traveling Tribute is a 380-foot exact replica of the Vietnam Memorial Wall, and the AVTT includes memorial displays honoring the veterans of World War 2, Korean War, the Gulf War, September 11th attack victims and the current War on Terror.

A non-profit event owned by a retired Army Vietnam veteran, there is a patch and coin available from the AVTT that is inscribed, ''I touched the Wall; the Wall touched me.'' This motto was so very true for a small group of veterans and citizens in Greene County, Ohio who formed a committee and hosted the AVTT in Xenia from October 10–14, 2012. They physically touched the Wall, but their lives were touched forever along with the lives of thousands of visitors who came to Xenia to see the AVTT.

Tim and Susan Spradlin of Xenia proposed the project in August 2011. Tim is a retired Air Force Reserve first sergeant, a member of the Greene County Veterans Service Commission plus he and Susan are very active members of the Ohio Patriot Guard Riders. A veteran of combat in Iraq, Tim was frustrated by the fact that age and injuries caused him to retire from the reserve in late 2008 at age 49 after 30 total years of service. He found new ways to serve the military with the Patriot Guard and the veteran's commission. In 2010 Susan and Tim rode a PGR escort mission in Sidney, Ohio for the AVTT display there. On seeing the entire display Tim told his wife, ''...Steve Molden would love this'', and so the idea of hosting the AVTT in Xenia was first born.

Steve Molden is a Vietnam veteran in Xenia, who proudly served with the 3rd Brigade of the 82nd Airborne Division. Now retired from Greene County services department, Steve is also a former volunteer member of the Xenia Township Fire Department and Greene County Rescue, where Tim Spradlin had met him many years ago. For many years Steve had been frustrated in his efforts to organize Veterans Day and Memorial Day ceremonies or parades in Xenia. Tim was aware of Steve's frustration and wanted to do something special for Steve and other Vietnam veterans like him. Activated in 1991 for the Desert Shield / Desert Storm conflict, Tim never forgot that there were Vietnam veterans across the nation who stood up in support of the new generation of military, loudly proclaiming that these war vets would not be abused or mistreated as many Vietnam vets had been. Tim suggested to the Veterans Commission that they could host the AVTT, and the committee was born.

First to join the local AVTT committee was Steve Molden and veteran's service office director Lame Woodward. Lance is a disabled Navy veteran who was part of the AVTT display planning in Clermont County, Ohio in 2003. Susan followed her husband and agreed to serve as the treasurer for the group, and Steve's wife Karen joined as the volunteer coordinator, to honor her husband and her uncle, member of the Order of the Purple Heart for wounds in Vietnam.

Steve Molden also brought his old friend Jim McMichaels on board. Jim is a Navy veteran of Vietnam, a high school classmate of Steve, and they both personally knew some of the 34 sons of Greene County who were killed in Vietnam, and whose names were engraved on the Wall. Other members of the community stepped up to serve also, including Jim Kennedy and Helena Curtis. Helena is a former deputy sheriff and cancer survivor whose spirit and dedication as unmatched. She said she was inspired to serve on the committee in honor of her father and grandfather who were military war veterans. Jim Madsen, a retired Air Force officer and federal civilian was proud to join the group and dedicated hundreds of hours, stating it was his personal way to say thank you, that he felt the need to do more since he had never been tasked to go to war during his service years.

As the committee worked for a year to plan the AVTT event many other citizens, spouses, veterans and business people joined the effort. For Susan Spradlin it was hard work but a labor of love, honoring her husband as an Iraq vet, a tribute to her late father who was a Navy veteran of Korea, and her brother who was disabled due to service in the Gulf War. Betty Zentiara is 80 years old, a Marine Corps veteran of Korea and dedicated many hours of her time to working in the kitchen at the event to serve refreshments to the many volunteers. Master Sergeant Jason Larimore, an active duty member from Wright-Patterson Air Force Base joined the effort and recruited many active duty Air Force personnel to man the Wall at night, providing security. David ''Smitty'' Smith, retired Greene County deputy sheriff and 101st Airborne veteran of Vietnam was very honored to serve and inspired to bring out his motorcycle ad joined the Ohio Patriot Guard Riders as a result of his experience on the AVTT committee. Marine veteran Ed Vance tearfully told his fellow committee members that the experience had ''changed his life''. There were two church pastors who participated in the event and ceremonies; both were also Vietnam veterans. Many fire and law enforcement personnel also got involved, notably Captain Doug Cope, a shift commander with the City of Xenia Fire Division and a veteran of the rescue team deployment to New York City after the September 11th attacks on the World Trade Center.

Steve and Karen Molden worked to create 34 plaques with the names, ranks, service information and dates for the Greene County citizens killed in Vietnam. These plaques were placed at the base of The Wall during the 4 day display, a touching personal memory of the local sacrifice paid by the community. Some of the families for those killed in action came to see the Wall in Xenia and they were presented with the plaque in honor of their fallen brother.

Over the 4 day display of the AVTT there was a motorcycle escort parade, music and concerts, a police and fire September 11th memorial service, and numerous interactions, reunions and fellowship. Steve Molden and Jim McMichaels were out at the Wall almost constantly, leaving late at night for some sleep and then back early the next day, walking, sitting in a golf cart or on a bench, talking, teaching and sharing . . . not only were they paying tribute to the fallen, but they were honoring all veterans by educating others about Vietnam, the war and the people who fought it. Watching these veterans and others find healing through this project was so rewarding.

The pinnacle event was the military memorial service on Saturday October 13th. Guest speakers included Congressman Steve Austria, Ohio Patriot Guard captain Bob Woods (US Army Vietnam), AVTT owner Don Allen (US Army Vietnam) and Major General Ed Mechenbier, US Air Force Vietnam, who was shot down while flying an F4 aircraft and spent nearly 6 years in a POW cell. There was not a dry eye in the large crowd as the 34 names of Greene County KIA were read. ''Sorry for crying, but I went to high school with some of these guys, '' explained a tearful Jim McMichaels as he and Vietnam vets Steve Molden, Sam Wallace, Pastor John Corcoran and Pastor Wes Barnhill read the details of the fallen. The end of the reading was followed by the USAF band, the bagpipes playing Amazing Grace and a bugler playing ''Taps'' as a memorial wreath was laid at the apex of the Wall. For Steve Molden, Tim Spradlin and Jim McMichaels it was the end of a long year, as they sat down on a park bench near the wall and shared tears of joy for the good they had done together, and the blessing of surviving their wars.

Inspired by the dedication and initiative of so many people, the Greene County Veterans Tribute Committee will continue to make a difference. After all the AVTT bills were paid, the committee donated part of their remaining funding to the Honor Flight program and part to the Wounded Warrior Project. The remainder will be kept in the non-profit endowment fund as the seed money for a new project; we have a vision to build a suitable large war memorial for all Greene County veterans and families on the lawn of the county courthouse. With the support of the community, the Members have no doubt that they can continue to serve local veterans, serve the community, the nation and with God's blessings create a permanent tribute to all Greene County citizens who have served in the United States Armed Forces or paid the ultimate cost of freedom.

I am grateful that Greene County, located within my district, was granted the opportunity to remember and celebrate the lives of veterans and first responders through the American Veterans Traveling Tribute. All those who worked to make this event happen are to be commended for their time and efforts. It was a bittersweet time to remember both those who came home from Vietnam and other wars as well as those who never had the chance.

Thus, today I ask my colleagues to join me and the constituents of Ohio's Seventh Congressional District in honoring our military veterans and their families for their continued and selfless service to the land of the free.

HONORING THE SONOMA COUNTY HISPANIC CHAMBER OF COMMERCE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor The Sonoma Hispanic

County Chamber of Commerce, of Santa Rosa, California on the occasion of their 25th anniversary celebration.

The mission of the Hispanic Chamber of Commerce is to promote and support Sonoma County businesses with a commitment towards creating a healthy business environment through education, civic, and economic programs. They are an association of individuals, organizations, and business professionals working together to enhance our local economy and foster a positive cultural image.

The Hispanic Chamber of Commerce of Sonoma County was founded in the spring of 1987, and has since greatly expanded its membership and endeavors. Originally known as the Latino Breakfast Club, it formalized into a network of professionals, entrepreneurs, business people, and community leaders—Hispanic and non-Hispanic—who recognize the importance of the Hispanic community and its impact on society.

In the last 24 years, the Chamber has raised over $280,000 for the Hispanic Chamber of Commerce Scholarship Fund, which has been distributed to over 300 students living in Sonoma County. These scholarships have helped many rising Latino students reach their goals by supporting their financial needs. Bilingual parent/student workshops were instituted in order to complement the scholarship program, and have since provided information on FAFSA, financial aid, and the college transition.

In order to get further involved in the community, the Sonoma County Chamber of Commerce established the Leadership Academy, modeled after the well-respected program developed by the Press Democrat, The Press Democrat Leadership Forum. The Leadership Academy was created with the objectives of encouraging a new generation of leaders in Sonoma County and facilitating an ongoing dialogue that helps members of the Hispanic Chamber of Commerce understand all the ways our hometowns are changing.

Members of the Sonoma County Hispanic Network have an opportunity to create a difference in the community. Through the membership their voices are heard in the political, social, economic, and educational arenas.

Mr. Speaker, it is appropriate at this time that we acknowledge The Sonoma County Hispanic Chamber of Commerce for their extraordinary work.

RECOGNIZING MR. WADE NORWOOD OF ROCHESTER, NEW YORK, WINNER OF THE ''ROCK IN THE POND'' AWARD

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to recognize Mr. Wade Norwood of the Finger Lakes Health Systems Agency (FLHSA) in Rochester, New York, who was today awarded the ''Rock in the Pond'' Unsung Heroes of Public Health Award by the Campaign for Public Health. I am immensely proud of Wade and the work that he and the FLHSA do for the citizens of Rochester.

Wade has dedicated his life to ensuring long-term community change for today's families and future generations. When it comes to public health, he is a true ''rock in the pond''—advocating for the betterment of our community, with a keen interest for the underserved and the most vulnerable. He gives a voice to those who do not have one, and advocates health care equity for all, whether in his role as Director of Community Engagement at the FLHSA, as Pastor of the Holy Jerusalem Spiritual Church in Rochester, NY, or as a member of the New York State Board of Regents.

At FLHSA, Wade plays a crucial role in convening programs that improve public health, such as the local Partnership for the Uninsured, the Rochester Area Task Force on AIDS, the Coalition to Prevent Lead Poisoning, the African-American Health Coalition and the Latino Health Coalition, and Healthi Kids, among others. He has been the face and voice of statewide health care improvement as he has led the FLHSA's effort to reduce health disparities, helping to shape the Agency's community engagement efforts and providing leadership to issues that have a tremendous impact on the health of the city of Rochester and the Finger Lakes region. He heads up a program called Healthi Kids, which advocates for policy changes that prevent childhood obesity, and which has resulted in returning recess into Rochester City School District (RCSD) elementary schools and working with the RCSD to provide healthier, more nutritional and culturally relevant meals during the school year and summer camps. As a result, approximately 30,000 children and youth receive healthier school meals daily.

Wade also convenes the Coalition to Prevent Lead Poisoning in Rochester, an education and advocacy organization composed of nearly 100 individuals and community organizations dedicated to eliminating childhood lead poisoning in Monroe County. The program received the U.S. Environmental Protection Agency's (EPA) Environmental Justice Achievement Award for its leadership in community-based efforts to prevent childhood lead poisoning. It has influenced major lead-related public policy changes, including a local lead ordinance requiring inspections for lead paint hazards.

Under Wade's leadership, the High Blood Pressure Collaborative aims to reduce the incidence of hypertension and its devastating effects (heart disease, kidney disease, and stroke) through a collaborative approach and community engagement. The program includes working with employers to establish worksite wellness initiatives, collaborating with faith and community based organizations in inner city neighborhoods where residents find barriers in accessing care, and working with health providers to improve their practices' control rate of high blood pressure. In 2012 alone, the Collaborative provided over 7,000 face-to-face blood pressure readings and consultations, and another 6,000 with kiosks strategically located in public facilities, such as libraries.

Wade has expanded the roles of the Health Disparities/African American and Latino Health Coalitions to ensure there is a community table that is truly representative, and that all voices are heard. Wade and the members of the coalitions address diseases of deep impact to minorities, which include metabolic syndrome and high blood pressure. This effort included engaging 19 churches—including his own—with a membership in excess of 5,000 minority congregants, to engage in screening and health literacy programs.

Wade also led the Partnership on the Uninsured in its evaluation of insurance coverage barriers, defining community-wide strategies to address these barriers, and implementing a strategic approach to diminishing the number of those without health insurance.

Whether it is through his extensive work with FLHSA, on volunteer boards, in his parish, or in the many civic roles he holds, Wade embodies the ''Rock in the Pond'' award he has received. He makes a difference in the health and well-being of all in our community. I ask my colleagues to join me in honoring Mr. Wade Norwood for his commitment, his selflessness, and his passion to improve the health and lives of all those around him.

HONORING THE 60TH ANNIVERSARY OF THE MUSEUM OF HISTORY & INDUSTRY AND THE GRAND OPENING OF ITS NEW MUSEUM AT LAKE UNION PARK

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to honor the 60th anniversary of the Museum of History & Industry (MOHAI) in Seattle, and to salute the museum as it prepares for the Grand Opening of its new museum at Lake Union Park on December 29, 2012.

Since its founding in 1952, MOHAI has established itself as the preeminent history center in the Seattle region, engaging over 100,000 visitors and 17,000 students and their teachers each year in the exploration of the history, character and development of Seattle and the Central Puget Sound region.

Drawing on a collection of more than 4 million historic artifacts, archives, photographs and oral histories, MOHAI exhibits and programs bring visitors face-to-face with the challenges of the past so that they can make informed decisions for the future. Working with school districts from across the region, MOHAI programs foster the civic literacy which is so essential to a strong community, and the museum provides a full range of scholarship services so that all students have access to the power of history.

With the opening of its expansive new museum in the landmark Naval Reserve Armory at Lake Union Park, MOHAI is poised to launch a history museum distinguished by leading edge technology, research and educational programs, which will serve the Seattle area for the 21st Century.

In recognition of its excellence, MOHAI is accredited by the American Alliance of Museums, is an official affiliate of the Smithsonian Institution, and was selected by Museum Magazine as one of the 60 international ''museums that matter.''

As we celebrate the 60th anniversary of the Museum of History & Industry, I would like to convey my congratulations to MOHAI on the opening of its new museum and its expanding work to ensure that the lessons of history are shared with generations to come.

HONORING NATHAN WILONDEK

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. LATTA. Mr. Speaker, I rise today to recognize Mr. Nathan Wilondek, of Defiance Ohio. Mr. Wilondek was awarded the Distinguished Flying Cross on Monday, November 12 during a Veterans Day program at Tinora High School

The Distinguished Flying Cross (DFC) is a military decoration awarded to any officer or enlisted member of the United States Armed Forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight, subsequent to November 11, 1918."

Wilondek was a Warrant Office 1 helicopter pilot serving in the Republic of Vietnam. On August 18, 1969, WO1 Wilondek volunteered along with his crew to fly a resupply mission to an infantry company that had become completely surrounded by the NVA. Without gunship cover WO1 Wilondek and his crew (Wallace Honda, Stewart Brooks, and Terry Paxton) flew nap of the earth down a hillside and hovered the UH–1 Huey low enough to drop ammo and supplies to the embattled infantrymen.

The entire time the re-supply was happening the NVA were hitting the helicopter with accurate small arms fire, and WO1 Wilondek's door gunner was unable to return fire because the US troops were too closely intermingled with NVA in close combat. It was determined that without the re-supply effort of WO1 Wilondek and his crew, the infantry unit would have been completely overrun by NVA, instead they survived. Mr. Wilondek is awarded this DFC for his heroism that day.

Mr. Speaker, I ask my colleagues to join me in the acknowledgment of Nathan Wilondek's heroism and recognize his service and dedication to our country.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. MANZULLO. Mr. Speaker, I missed recorded votes last week attending to official business back in the district. If I had been here, I would have voted "yea" on Rollcall No. 609; "yea" on Rollcall No. 610; "yea" on Rollcall No. 611; "nay" on Rollcall No. 612; and "yea" on Rollcall No. 613.

CONGRATULATING MR. LARRY LANG OF HOLMES COUNTY

HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. GIBBS. Mr. Speaker, I rise to honor Mr. Larry Lang of Big Prairie, OH who has spent over twenty years of his life serving the Holmes County community through the Red Cross, local school boards, Farm Bureau and other programs with outstanding dedication, honor and merit. Mr. Lang is a model citizen and his efforts are truly inspiring. He has been an excellent example and partner in working with the Amish community and his amazing efforts in recruiting platelet donors have saved countless lives.

Mr. Lang's strong relationship with the Amish community in Holmes County has resulted in an Amish representative being present on the Holmes County Chapter board and has led to thousands of hours of volunteer service from the Amish community. Mr. Lang has served as assistant director of the Holmes County Chapter of the American Red Cross and is the recipient of this year's prestigious Biomedical Partnership Award from the American Red Cross for his tremendous efforts resulting in 490 donors, 3600 platelet units and approximately 6100 single donor platelet units. Mr. Lang personally made over 300 trips to support, donate and bring donors to the Cleveland apheresis center.

Mr. Speaker, I am proud and honored to represent a man who has worked tirelessly on behalf of others and who has made such a positive and lasting impact on my community. I ask all of our colleagues to join me in congratulating Mr. Larry Lang for receiving the Biomedical Partnership Award from the American Red Cross.

CARRIE BAZEWICZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Carrie Bazewicz for her service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Carrie brought the Environmental Learning for the Future program to Mitchell Elementary in Golden, Colorado. This program promotes the understanding and appreciation of the natural world to each of the young students. Her commitment to the education of the children in Golden serves as a model for teachers throughout the state of Colorado and our nation.

Carrie exemplifies education and preservation of Golden's beauty. She encourages and empowers her students as an enthusiastic, supportive classroom volunteer.

As a recipient of one of the Mayor of Golden's 2012 Awards for Community Excellence, Carrie was chosen based on her outstanding initiatives, leadership, problem-solving, and community values, all of which directly aided the community of Golden in its great success this past year.

Carrie Bazewicz has been a champion in the community and I am honored to congratulate her on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure she will exhibit the same dedication and commitment to all her future endeavors.

HONORING UNITED STATES COAST GUARD VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the United States Coast Guard: Sammie Stewart, Jr., Steven Bernard Rising, Omar K. Payton, Shane J. Nicholas, Randy Kevin Jopp, Jr., David R. Hetticher, Andrea Naomi Johnson, Christopher Daniels, William O'Boyle, Jacob G. Bryan, Sandy Guerra, Eric Driggs; from the National Security Agency: Allyn C. McKinney.

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

INTRODUCTION OF RESOLUTION TO CREATE A HOUSE SELECT COMMITTEE ON THE TERRORIST ATTACK ON THE U.S. CONSULATE IN BENGHAZI, LIBYA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. WOLF. Mr. Speaker, today I have introduced a resolution to establish a House Select Committee on the Terrorist Attack in Benghazi to ensure a unified investigation of the attack and the Obama Administration's response. A select committee is essential to combine the myriad existing investigations into a single, comprehensive and exhaustive review. I believe such a combined effort will yield even more information regarding the true nature of these terrorist attacks and the administration's response.

More than 80 days have passed since the terrorist attack on the U.S. consulate and annex that occurred during the late evening and early morning hours of September 11–12. The attack took the lives of four Americans, including a U.S. ambassador—the first ambassador to be killed in the line of duty since 1979. Yet the American people still have been told little about the timeline of this attack and the administration's response in the hours,

days and weeks following. The American people still haven't been provided answers to serious questions. For example, why was additional security denied to the ambassador? What intelligence was known about the threat prior to the attacks? There are also serious questions about links of this terrorist attack to the protests at the U.S. embassies in Cairo, Egypt, Tunis, Tunisia and Sanaa, Yemen that same week—where each American compound was breached by individuals allegedly linked to al Qaeda-affiliated groups. What, if any, were the connections between these incidents and the attack in Benghazi?

These questions are too serious—and the consequences too grave—to be brushed aside. There are critical legislative decisions the next Congress will have to make based on the answers of these questions. But more importantly, the American people deserve answers to these questions—including open hearings and an unclassified report.

The select committee I am proposing should draw from the existing congressional investigations by including the chairman and ranking member of each committee of jurisdiction—Intelligence, Foreign Affairs, Judiciary, Armed Services and Oversight and Government Reform—as well as five additional Republicans appointed by the Speaker and two additional Democrats appointed by the Minority Leader.

I appreciate the support I have received for this resolution from the original cosponsors, as well as the Heritage Foundation. I also submit for the record a recent op-ed that was published on RealClearPolitics.com by former Senator Fred Thompson articulating the benefits of a unified select committee. Senator Thompson has a unique perspective on the need for this committee given his experience as counsel on the Senate select committee on Watergate.

Mr. Speaker, we owe it to the families of the victims, and the American people, to fully investigate this terrorist attack. I urge my colleagues to support this resolution.

[Nov. 28, 2012]

INVESTIGATING BENGHAZI: WHY WE NEED A SELECT COMMITTEE

(By Fred Thompson)

As we fixate on the latest version of Gen. David Petraeus' testimony or the misleading statements of Susan Rice, I suggest that we stop and think about the size of what we are dealing with. The Benghazi tragedy raises questions concerning the protection of our embassies, the performance and capabilities of our military and our intelligence community, as well as the decisions of high-ranking officials in the Department of Defense, the State Department, the White House and possibly the Justice Department.

The scope of the questions that involve an array of officials, and sensitive agencies and departments of our government, is unprecedented. The inquiry into what happened and why, along with who is or should be accountable, calls for a focused, responsible effort equal to the seriousness and the complexities the issues.

I've seen this rodeo before, both in a constructive manner (Watergate, where I served as a counsel) and a less-than-constructive one (Clinton-era investigations, where I chaired a committee that probed at least one facet of the various scandals). On our present course, the prospects for a relatively short but thorough, credible, bipartisan congressional investigation are not good. The prospects for a disjointed, drawn-out mess, replete with partisan bickering, are much better.

It is easy to identify at least eight congressional committees (four in each chamber) with claims of jurisdiction in the Benghazi matter. No committee has jurisdiction over all of it, and several committees have jurisdiction over parts that overlap with the jurisdictions of other committees. Some of the committee hearings will involve classified information and will be conducted behind closed doors. Members of ''Committee A'' will not know what a witness told ''Committee B'' in a closed hearing. Gen. Petraeus' recent appearance on Capitol Hill demonstrates how difficult it can be to get a consistent story when the witness is making multiple appearances before even the same committee.

Perhaps not all committees with jurisdiction will have hearings, but if half of them do it will produce competing hearings, with competing staffs and competing press conferences over much of Capitol Hill. It will also take longer than necessary, as government officials shuffle back and forth giving repeat performances. Different committee chairmen and their committees will make different rulings on document production, whether to move for immunity for witnesses who refuse to testify on the basis of the 5th Amendment, and a host of other matters.

This is simply not the most efficient and credible way to proceed. And it is less likely to arrive at the truth. The seriousness of the matter calls for something better. It calls for a select committee that is given a specific mandate, a budget and a cut-off date that can be adjusted if it is agreed upon. It needs to be comprised of members of both parties who have been selected by their leadership because of their proven integrity, reputation for fairness, and expertise in a given area.

In a matter fraught with political implications, it is especially important that Congress accept its responsibility and minimize partisanship as much as possible. History demonstrates that this goal is much easier to achieve with a handful of selected people than it is with many. Since 1789, when Congress investigated a failed military expedition, select committees have been utilized to serve such important and sensitive functions, and the Benghazi matter should follow in that long tradition, whether by means of a joint committee of both houses of Congress or by either chamber.

Most select committees have become historical footnotes. Some, however, are well remembered because of the contribution they made to helping Congress carry out its duties of legislating, overseeing the executive branch and educating the American people as to the operation of their government. Ironically, it is because of the success of these panels that some members of Congress and others oppose the formation of one in this case.

They say that forming a select committee for a matter such as Benghazi, where a consulate and four American lives were lost, would attach too much importance to the investigation. They fear that it would be equating it with Watergate. Of course, if the Watergate standard, as they define it, is now the operative standard for the formation of a select committee, then seldom, if ever, will another select committee be formed.

Critics of the select committee miss the point on several levels. First of all, if indeed a comparison is to be made, one must look at the seriousness of facts and issues presented concerning Benghazi and compare them with the seriousness of facts and issues presented at the times when other select committees, such as Watergate, were formed. So compare the Watergate burglary with what we have here. Can there be any doubt that Benghazi passes the Watergate test?

The wisdom of utilizing a select committee should not just be judged on the outcome of the committee's work; dramatic results are not always achieved or warranted. The select Watergate Committee is a beneficial reference point, not because of the end result of its investigation a year and a half after it was formed, but because of the process Congress utilized to deal with a difficult situation.

At that time, we had a Republican president and a Congress controlled by the Democrats. Yet the Senate voted unanimously to form the committee. Democratic leadership appointed Sen. Sam Ervin, reputed to be the chamber's leading constitutional scholar, to chair the committee. The Republican leader appointed Sen. Howard Baker to be the vice chairman and leading member of his party on the committee—a senator who was respected on both sides of the aisle. These men protected the legitimate partisan interests of their respective parties and the path was not always smooth, especially behind closed doors, but they understood that their colleagues, as well as the nation, were depending upon them to be responsible and seek the truth. Authority and accountability were clearly placed on the committee, and its members performed accordingly.

Select committees are not perfect creations by any means. A clear narrative is often difficult to produce under any circumstances. However, a select committee is simply much more likely to produce focused and credible results. Soon we will see if the United States Congress is still capable of coming together toward the common goal of getting to the bottom of a very serious matter. Or, are decisions about select committees simply reflective of positions based upon whose ox is in danger of being gored?

TRIBUTE TO ANN DAWSON AUGUST

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. CLYBURN. Mr. Speaker, it is a bittersweet occasion as I rise today to congratulate Ms. Ann Dawson August on being named Executive Director of the Birmingham-Jefferson County Transit Authority in Birmingham, Alabama. As she accepts this position, she is leaving the Santee-Wateree Regional Transportation Authority (SWRTA) in Sumter, South Carolina, where she has se ed as the Executive Director of SWRTA for the past 11 years. She leaves behind a stellar record and will be sorely missed.

A native of Sumter, South Carolina, Ms. August spent 39 years in Philadelphia, where she attended public schools and La Salle University before working for 13 years for the Southeastern Pennsylvania Transportation Authority (SEPTA), the fifth largest transit authority in the country. In 1997, she demonstrated her versatility when she transferred her talents from the urban SEPTA system to SWRTA, the second largest urban and rural transportation authority in South Carolina.

Ann's service in the transportation arena has extended far beyond SWRTA. She is a member of the Sumter County Transportation Committee and the Transportation Research Analysis Committee for the Transportation Research Board in Washington, DC. From 2009 to 2011, she was the Chair of the Transit Cooperative Research Program Oversight and

Project Selection Committee, and she is currently the Southeast Regional Director of the Community Transportation Association of America.

Ms. August has garnered media acclaim during this distinguished career. In 2007, SWRTA was featured in Mass Transit Magazine, and in 2008, Ms. August contributed to the magazine's ''Manager's Forum'' on the topic ''How a Board Can Help Directors Manage Systems.''

An asset to the community in numerous capacities outside of transportation, Ms. August previously served as Vice President of the YWCA of the Upper Lowlands Membership Committee and is the immediate past Chair of the United Way of Sumter. She served 30 years in the Army Reserves, retiring in 2004. Ann is married to Henry August Jr., a transportation professional who retired from SEPTA after serving 35 years in the industry; they have two adult children and five grandchildren.

Mr. Speaker, Ms. August will be missed in South Carolina, but I have no doubt that our loss will be Alabama's gain. I ask that you and my colleagues join me in wishing Ms. Ann Dawson August all the best and Godspeed in her future endeavors.

HONORING OFFICER THOMAS DECKER UPON HIS DEATH

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mrs. BACHMANN. Mr. Speaker, I rise today to honor Officer Thomas Decker of the Cold Springs Police Department. On November 29, Officer Decker was killed in the line of duty while trying to help a man believed to be suicidal.

Officer Decker was a Minnesota boy through and through, growing up on a dairy farm near Cold Spring. After attending Rocori High School, he went on to serve as a police officer for 10 years, serving in the communities of Isle, Watkins, Kimball, and the Cold spring/Richmond Police Department. He bravely served the citizens of central Minnesota and those who knew him called him a hero who loved his family. He leaves behind a wife, four young children, parents, siblings and a community who loved him.

Officer Decker's death tears at the heartstrings of a small town who knows all too well the sting of heartbreaking tragedy. This community lost another son to senseless bloodshed. It is hard to grasp why such violence occurs, but it is important that friends and neighbors stick together in these trying times. My thoughts and prayers are with the Decker family as they deal with this painful loss, especially five-year-old Devon, six-year-old Justin, seven-year-old Jade and eight-year-old Kelly.

Mr. Speaker, I ask this body join with me in mourning the loss of this brave and noble police officer who represented not only Minnesota, but a force which protects citizens across this great country.

IN RECOGNITION OF THE RETIREMENT OF DR. PHILLIP HAMMONDS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to join my colleagues Congressman SPENCER BACHUS and Congresswoman TERRI SEWELL in asking for the House's attention today to recognize Dr. Phillip Hammonds who is retiring as the Superintendent of Jefferson County Schools after nearly 40 years of service to Alabama's school systems.

Dr. Phillip Hammonds received his Bachelor degree in English Education from Evangel College in Springfield, Missouri. Soon after, he received his Master's degree from the University of Alabama at Birmingham. He went on to earn Doctoral degrees from both the University of Montevallo and the University of Alabama.

While earning his numerous degrees, Dr. Hammonds also served Alabama schools in various capacities. From 1973–1983 he work for Sylacauga High School. In 1983, he began working for the Sylacauga City School System, where he stayed until 1996. He also served as the Superintendent of Sylacauga City Schools from 2001–2003. From 1996–1997, Dr. Hammonds was the Superintendent of Education for Pell City Schools. In 1997, he began his work for the Jefferson County School System, and in 2004 he was appointed Superintendent.

Because of his faithful service to Alabama's school systems, Dr. Hammonds has been the recipient of numerous awards. In 1989, he was honored as the Outstanding Graduate Student in School Administration at the University of Montevallo. In 1991, he received a Faculty Recognition Award from the University of Alabama. He was also named the Outstanding Alumnus in School Administration by the University of Montevallo in 1996. In 2007, he was recognized as the Outstanding Superintendent of the Year by the Alabama Congress of Parents and Teachers. Finally, in 2010, he was appointed to the Board of Directors for the The Capstone at the University of Alabama.

Mr. Speaker, we join his family, friends and the state of Alabama in this celebration in his honor. We will miss Dr. Hammonds' leadership in Alabama, and wish him the very best.

HONORING UNITED STATES NAVY VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. I would like to honor, from the Navy:

Michelle Luz Trinidad, Stephanie Tillman, Andrew Kissoon, Gary Austin, Emmanuel Hernandez, Carlo D. Casanova, Kristie Hamm, Relles Campos, Raymond Farmer, Peter Calhoun, Ruben Gallardo, Percy Fernando Monroe, Jeffrey W. Butler, Jr., Marquais Rashann Bellamy, Marcus M. White, John C. Carter, Jr., Michael C. Thompson, Frederick Alan Edwards, Kenyatta Bennett, Jamie Shire, Cameron Zbikowski, Sam Owens, Neville Bain, Alvine Burke, Freddie Berrios, Janette Ramos Chandler, Rafael Trinchet, Henry Elam, Willie B. Taylor, Mae Christian, Randolph Mobley, John M. Locklier, Charles W. Wright, Brian F. Kipp, David Nunez, Ben Rape, Stephanie Tillman, James F. Wilson Jr., Jackie Bernard Singleton, Richard Victor Powell, Mary Lesic, Angus Laney, Rock Daze, Franklin Johnson;

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for the rollcall vote numbered 611 on Thursday, November 29, 2012. Had I been present, I would have voted in this manner:

Rollcall Vote No. 611—Resolution providing for consideration of H.R. 6429, the STEM Jobs Act: ''no.''

LT ENVIRONMENTAL, INC. (LTE)

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud LT Environmental, Inc. for providing decades of expertise through innovative technologies in helping our citizens identify and eliminate environmental liabilities.

Since 1992, LT Environmental or LTE, has performed environmental consulting services for a diverse range of industries including oil and gas, transportation, manufacturing, real estate, government, and public and private property owners. The high level of devotion LTE has shown to our communities serves as a prime example of their quality service.

LTE's primary goal of rapid site closure allows for businesses, many of whom would

otherwise had to close their doors, to ensure the safety of their employees and the environment alike. Sustainable and environmentally-conscious practices have been a top priority for LTE since its foundation. Certainly, without companies like LTE, the citizens of Colorado would not be able to enjoy the beautiful lands we have all come to know and love.

The list of awards and recognitions received by LTE serves as a testament to the ongoing successes of LTE. Most notably, the company is the recent recipient of the both the 2012 Top Company award and the 2012 Colorado Company to Watch. It has also been recognized by Colorado Biz Magazine as one of the top ten fastest growing private midsize companies in Denver.

I am very proud to have the LTE headquarters located in Arvada, Colorado. LTE continues to expand its outreach into all areas of Colorado, as well as New Mexico, Wyoming, Idaho, Utah and Florida. I can confidently say that my colleagues here today will soon observe the benefits of having LTE serve in their communities.

Mr. Speaker, the commitment of LT Environmental to the people, businesses and lands of Colorado serves as an example to those in the environment, and throughout all areas of commerce. It is with great pride and admiration that I am able to briefly speak on the triumphs of LT Environmental. I am certain the effects of their service will continue to benefit our communities for decades to come.

CONGRATULATING BENJAMIN STRALEY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate Benjamin Straley on being named Assistant Organist at the National Cathedral in Washington D.C. His dedication to sacred music and continued education is truly remarkable. Today, Mr. Straley holds his position on the incredible music staff at the National Cathedral and shares playing responsibilities with two other organists.

Mr. Straley is an Ohio native from the 15th Congressional District, and he has proven to be one of the top organists in the nation. A recent graduate of Yale University, Mr. Straley studied sacred music and theological education and earned many awards and recognitions. Included among his many accomplishments is the Baker Prize, a prize awarded to incoming organ students at Yale deemed to be in the top one or two percent of young organists in the country. Mr. Straley was also one of the few Americans in the entire history of the Haarlem Organ Festival invited to compete in its prestigious improvisation contest.

I would again like to congratulate Benjamin Straley on being named Assistant Organist at the National Cathedral. The people of Ohio's 15th District are dedicated, hardworking people, and Mr. Straley's accomplishments make me proud to represent the 15th District in Congress.

HONORING SOLANO COUNTY SUPERVISOR BARBARA KONDYLIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleague, Congressman MIKE THOMPSON, to recognize the many accomplishments of Solano County Supervisor Barbara Kondylis as she retires after twenty years of distinguished service on the Solano County Board of Supervisors.

Barbara as born in Seymour, Indiana, and raised in Port Jefferson on Long Island, NY. In 1969, Barbara moved to Vallejo with her husband Gabriel. Barbara completed her education in the Bay Area, earning a Bachelor's Degree in Public Administration from the University of San Francisco and a Master's Degree in Public Administration from California State University, Hayward.

Barbara won a Vallejo City Council seat in 1979 and served for nine years. She then turned her attention to the Solano County Board of Supervisors, winning the seat in 1992. Barbara was motivated to run because she was concerned about government process and land use decisions that threatened Solano County's environment, as well as the plight of women and children, particularly issues of family violence, poverty, and family planning.

Barbara has accomplished much on behalf of Solano County's children and families. She established the Office and Family Violence Prevention, the Family Justice Center, and Baby Coach, an innovative program to ensure good outcomes for high risk mothers and their babies. Barbara also successfully promoted AB 2010, which passed the California Legislature, allowing Solano County to charge Vital Records Fees, increasing revenue $80,000 a year directed to reduce family violence. She helped implement Court Appointed Special Advocates who have helped hundreds of children going through dependency court. Barbara also proposed and initiated ''Smile in Style'' which provided dental screenings and other services to thousands of elementary school children, allowing many to get emergency dental care.

During her long career, Barbara has served on many local and regional boards including the Solano County Water Authority, City-County Coordinating Committee, San Francisco Bay Conservation and Development Commission, Mare Island Re-Use Committee, Health and Social Services Sub-Committee, Tri City-County JPA for Agriculture Lands and Open Space Preservation, Vallejo Sanitation and Flood Control District Board, Vallejo Justice Committee, California State Association of Counties Board of Directors and Executive Committee, Solano County Children and Families First Commission, Baby First Solano, Association of Bay Area Government Board, Delta Protection Commission, and California State Association of Counties Condition of Children Taskforce.

Mr. Speaker, we invite this chamber to join us in honoring Supervisor Barbara Kondylis for her tireless and dedicated service to the people of Solano County. We also join her family, colleagues, and friends in congratulating her on a successful and fulfilling career as an elected official and wish her the very best in her future endeavors.

HONORING DENNIS ROTH ON THE OCCASION OF HIS RETIREMENT FROM THE CONGRESSIONAL RESEARCH SERVICE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. HONDA. Mr. Speaker, I rise to acknowledge the outstanding career of a dedicated public servant from the Congressional Research Service, Dennis Roth. Mr. Roth is retiring in January after 42 years of public service.

Mr. Roth came to the Congressional Research Service in 1976 as a labor economist, working in what was the the CRS Economics Division. Mr. Roth rose steadily through the ranks, becoming one of that division's first section heads. During this time, Mr. Roth worked closely with Members of both houses of Congress and their staff, providing valuable research and analysis for one of the era's landmark pieces of legislation, the Humphries-Hawkins Full Employment Act. Among its provisions, the Act set national goals for full employment and mandated that the Federal Reserve establish policies that not only controlled inflation, but also encouraged long-term economic growth and price stability; a mandate that guides the Federal Reserve to this day as it navigates the troubled economic environment in which we currently find ourselves.

In the 1980's, while maintaining his workload as a labor economist at CRS, Mr. Roth became active in the Congressional Research Employees Association (CREA). In 1986, Mr. Roth ran for President of the Association, but lost on his first try. He ran again in 1987, and this time he won. The employees at CRS demonstrated their confidence in his stewardship by returning him to office each year since. For 25 years, Mr. Roth has been a tireless advocate for the rights, goals, and aspirations of all employees at the Congressional Research Service. In his spare time, he has also been active in the Federal Caucus of the International Federation of Professional and Technical Engineers (the IFPTE), with which CREA is affiliated, and which represents a broad segment of the federal workforce. In 1990, Mr. Roth was elected IFPTE Eastern Federal Area Vice President, a position in which he served until July of 1997. He was also elected as Executive Vice President of IFPTE in 1994 and served until July 1997.

Mr. Roth grew up outside Carlisle, Pennsylvania. He graduated from Antioch College in 1968. He immediately joined the Peace Corps, serving in Catanduanes in the Philippine Republic where he taught math and worked in the areas of economic and agricultural development. In fact, Mr. Roth met his wife-to-be Daisy while he was a Peace Corps volunteer. The two wed and, at the end of his Peace Corps tour, they returned to the States, where Mr. Roth attended the University of California, Berkley and completed the academic requirements for a Ph.D. in Economics. Before coming to CRS, Mr. Roth also served in the Department of Labor, working as an economist for the Assistant Secretary for Policy, Evaluation, and Research. Mr. and Mrs. Roth have two grown children, Jessica and Benjamin.

As Ranking Member of the Legislative Branch Appropriations Subcommittee, I take great pride in all of the outstanding people

who choose to work for this august body and help us do our jobs better. On behalf of my colleagues, I congratulate Mr. Roth on his many years of exceptional service to this Congress, to the people of the United States, and the employees of the Congressional Research Service; and as a fellow Returned Peace Corps Volunteers, I thank him for his service to the people of Catanduanes Island. He epitomizes the highest ideals of public service. We wish him all the best.

THE PASSING OF MR. LOWELL O. SCHUSTER

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mrs. CHRISTENSEN. Mr. Speaker, I come before the House with a heavy heart to express my condolences and pay tribute to Mr. Lowell O. Schuster a beloved Virgin Islander, loving husband, devoted father, veteran, teacher, businessman, community leader and very dear friend.

Lowell Schuster was born in Christiansted, St. Croix, U.S. Virgin Islands, on November 12, 1928 to Mr. Eugene and Mrs. Enid Schuster of Christiansted, St. Croix. Mr. Schuster attended St. Mary's Catholic School and The Christiansted High School. After graduation from high school, he enrolled at Howard University in Washington, DC, where he received a Bachelor of Science degree in Psychology. While attending Howard University he entered the Reserve Officers' Training Corps. Following his graduation from Howard University, he entered the United States Army as an officer with the rank of Second Lieutenant.

Mr. Schuster had a distinguished military career. He was stationed in Germany where he bravely served during the Cold War. On May 9, 1955, he was promoted to First Lieutenant of the United States Army and was granted Top Security clearance. He became Infantry Unit Commander and led the troops on daily patrols along the West Germany-East Germany border. On November 26, 1958, Mr. Schuster was granted an Honorable Discharge. In recognition of his military service, he received the National Defense Service Medal. Mr. Schuster continued his service to our Nation by entering the Army Reserves where he was promoted to Captain. He also became active with the U.S. Virgin Islands National Guard. He was honorably discharged from the United States Army Reserves on February 10, 1969.

During his tenure in the Reserves, Mr. Schuster began his second career as a teacher at the Christiansted High School. He again distinguished himself as an educator and within a short period of time was promoted to Assistant Principal and later became Acting Principal. After his father became ill, he resigned from his position to enter the world of business, taking over the operations of Schuster's Services, the largest fully integrated water company in the Virgin Islands. He further expanded the business to include the bottling of water and named it Blue Mountain Water, now Blue Mountain Purified Water, LLC.

These water companies were Mr. Schuster's pride and joy. He looked forward to going to the office every morning, working tirelessly, and returning home to his family. Blue Mountain Purified Water, LLC remains the first bottled water company in the Virgin Islands and the largest of its kind on St. Croix. Schuster's Services is one of the oldest businesses in the U.S. Virgin Islands.

Of all of his accomplishments, his greatest was being a devoted husband and father. Mr. Schuster married the love of his life and high school sweetheart, Rita M. de Chabert, after entering the armed services. They started their family while he was stationed in Germany. Mr. Schuster and his wife were married for 58 years and raised 4 children—Gregory, Janine, Kenneth and Troy. They are the proud grandparents of three grandchildren.

On behalf of my family, staff and the Congress of the United States, I extend our sincere condolences and want the family to know that our thoughts and prayers are with them as we mourn the passing of a great man. We cannot replace Lowell but we will attempt to improve our lives and live our lives as demonstrated by his great example.

PERSONAL EXPLANATION

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. EDWARDS. Mr. Speaker, I was absent from votes in the House last Friday (November 30th) due to a family funeral and missed rollcall votes 612–613. Had I been present, I would have voted "yes" on rollcall vote 612 (motion to recommit H.R. 6429, the STEM Jobs Act) and "no" on rollcall vote 613 (final passage of H.R. 6429).

HONORING UNITED STATES ARMY VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. I would like to recognize, from the Army:

Mona Figueroa, Julie Chery, Amaury Acosta, Delawrence Blue, Pedro David Lanza, Jimmy Moises Palma, Edwin Garcia Llauger, Dejongh Oscar, Evette Linda Phillips, Virgil A. Lacey, Norman Cooper, William Berrios, James Hosley, Charles Henry Green, Daniel Shannon, Franklin D. Mack, Alfred E. Glass, Cleotha Brown, Thomas George Darden, Ishmnel Cash Rolle, Jr., John Steele, Bobby White, Andrew D. Reid, Neville Solomon Shorter, Richard A. Love, Jr., Rufus Lester, Hector Ramirez, Paul Murray, Alexander Flowers, Eulas C. Mitchell, Jr, Jeffrey Smith, Reinnier Ray Santos, Sunil Mittoo, Trenton A. Brewton, Travis D. Small, Bernard Carr, Michael D. Beebe, George Hill, Robert Foster, Wilfred Bedeau, Derrill Clayton White, Hector E. Valle Acosta, Alex Esteban White, Tan S. Eward, Jeffrey Allen Cooper, Robert Brown, Mose McClain, Alejandro Suarez, James Henry Sconiers, Murray Lanard, Milto N. Smith, Tomas M. Rodriguez, Rutheven Williams, Roscoe Shannon, James L. Struchins, Tommy Fortner, Jr, Elizabeth Fequiere, Andrew Nesbitt, Paul M. Wellons, Samuel C. Rhoden, Cedric Halyard, Alvin Chambers, Shirlene Ann Lassiter, Jerome Williams, Hugh H. Hood, Jared M. Dawson, Charles F. Johnson, Jr., John A. Cooper, Israel Santiago, Deoraj Ramsaran, Willie L. Thompson, Michelle R. Forbes-Brown, Benjamin B. Cowins, Sr., Rufus Curry, Jr., Michel Pellerin, Craig Coney, Abe Stein, Phillip A. Johnson, Claude Evans Adside, Jr., Debra Reed, George A. Stewart, John Garrison, Ronald Maycok, Charles Markx, Walter Hardemon, Corey Cornell Butler, Willie Brinson, Willie Thomas, Edwin Bain, Herman Williams, Albert Sturrip, Dan Brand, Jerry Williams, Esme Bain, James C. Smith, Raymond Burke, John Donald Pace, Jr., Derrick Andrea Porter, Patricia Ann Barber, James E. Johnson, Diana M. Gilliam, Carla Horne, Beatrice E. McIver, Winifred D. Browne, Evette Linda Phillips, Charlie Reid, John Williams, Simuel Williams Jr, Maurice Ratliff, Michael Johnson, Santwan Williams, Hector Rivera, Nathan Johnson, Jose Morales, Alphonso Giles, Beverly Bethel, John Riley, Karen Boyd, Edgar Childs, Virgil Lacey, Frank Rawlerson, Mariano Cruz, John Zeigler, Melissa Billingsley, Evette Phillips, George Stanley, Namon J. Gilbert Jr. Glen R. George, Allyn McKinney, Charles Green, Roger Hibard, Seitu Muhammad Kokavi, Shirl Cornwall, Richard Mason, Peter James Kendrick, Charles Mack, Ronald Maycok, John Garrison, Norman Kight, Henry Picket, Willie Thang, April Barnes, Thaddeus Pinkney, John Wallace, Walter Hodge, Luther Benjamin Smith, Charmaine Rolle, Allison Bullard, Timothy Forbes Sr., Sam Lattimore, Edilberto Martinez, Phillip Moncur, Vernette Berry Richardson, Wilfred Bedeau, Wesly Frazier, Darrell Morgan, Roland James, Henry Elam, Alfred Gordon, Peter James Kendrick, Louis Tyler, Karen A. Boyd, Frederick Edwards, Johnnie Nesmith;

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe and secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

CONGRATULATING THE REPUBLIC OF CYPRUS ON ITS PRESIDENCY OF THE EUROPEAN UNION (EU)

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. BERKLEY. Mr. Speaker, today I would like to honor the Republic of Cyprus as its first six-month rotation of the European Union Presidency comes to a close. The EU Presidency is a significant event in the history of this nation with which the United States has such a close relationship.

This small, but vigorous country has overseen a number of historic events during its tenure in the Presidency. Most notably, the EU approved a new round of sanctions against Iran. These sanctions are the toughest measures imposed by the EU to date and target Iran's nuclear and ballistic missile program. The sanctions ban financial transactions, prohibit the export to Iran of materials that could be used for its nuclear and ballistic program, ban the importation of natural gas from Iran, and impose an asset freeze and travel ban on 34 additional Iranian entities reportedly providing financial support to the Iranian government. I would like to congratulate the Republic of Cyprus for overseeing the enactment of these sanctions as they will work in tandem with the strong US sanctions imposed against Iran. This is a critically important step that will help to keep the rulers of Iran from fulfilling their quest for nuclear weapons. Furthermore, it will help to ensure the security of our strongest ally in the region, Israel, by maintaining regional stability. Again, I extend my sincere congratulations to the Republic of Cyprus on a successful EU Presidency.

DR. FREDERICK L. GROVER, MD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dr. Frederick Grover for his service to our community.

After serving in the Navy, Dr. Grover diligently worked to ensure the future of cardiothoracic medicine. Throughout his career, Dr. Grover trained and mentored over 39 thoracic surgery residents. As the Chair of the Department of Surgery at the University Colorado School of Medicine, Dr. Grover preserved the success of our medical communities for generations to come. Dr. Grover's selfless devotion to his students provided an exemplary standard of service.

Dr. Grover's continual efforts in aiding the men and women whom served our nation are undoubtedly worth the upmost gratitude. For 12 years, Dr. Grover dedicated himself as the Chief of Surgical Services at the Department of Veterans Affairs Medical Center in Denver. During this time, Dr. Grover pioneered the VA Cardiac Surgery Database as the Medical Director of the Continuous Improvement. It is his daily endeavors, as well as promotion of future medicines, that exemplify the level of service Dr. Grover continues to emulate.

Dr. Grover distinguishes himself as a caring member of the community by striving to aid numerous professional organizations. Whether it is his advocacy through the formation of healthcare policy at the national level, or serving as President of the Society of Thoracic Surgeons, Dr. Grover is truly a remarkable member of our community.

Dr. Grover's commitment to enriching the community serves as a great example to those in medicine, and throughout all disciplines. It is with great pride and admiration that I am able to briefly speak on the successes of Dr. Frederick Grover. I am certain the effects of his service will continue to benefit our communities in Colorado for decades to come.

RECOGNIZING CENTRAL SERVICE TECHNICIANS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. LONG. Mr. Speaker, I rise today to recognize Central Service Technicians.

Central Service Technicians are responsible for processing surgical instruments, supplies and equipment, and serve in settings ranging from hospitals to ambulatory surgical centers throt ghout the country.

These individuals provide support to patient care services and are tasked with ensuring supplies needed for patient care are decontaminated, cleaned, assembled, and sterilized.

The Central Sterile Supply Department of a health care facility is the heart of all activity surrounding instruments, supplies and equipment required for operating rooms, Endoscopy suites, Intensive Care Units, birth centers and other patient care areas.

Central Service Technicians play an important role in patient care arenas, and are responsible for first-line processes to prevent patient infections.

Mr. Speaker, Central Service Technicians are instrumental to patient safety and I am honored to recognize their vital role in the health care arena.

IN HONOR OF THOMAS McKENNON ''KEN'' SHEA

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor the life of Thomas McKennon ''Ken'' Shea, a life-long resident of Dumas, Arkansas, who passed away at the age of 58 on November 29, 2012. Ken was born on August 9, 1954 in Dumas, Arkansas and I would like to recognize his life and achievements.

Raised in Dumas, Arkansas, Ken attended Dumas High School and earned a bachelor's degree from Louisiana State University, where he was a member of Kappa Sigma fraternity. Ken returned to Dumas after graduating from LSU to become associated with his father at McKennon Implement Co. Inc, the family's John Deere farm equipment dealership, and served as president and sales manager there while helping to oversee his family's farming interests. Following the sale of the McKennon dealerships Arkansas Ag in 2011, he was Location Manager for Arkansas Ag in McGehee. He was a past president of the Southeast Equipment Dealers Association.

Ken led an exemplary life and was extremely active in many different capacities. He was past president of the Dumas Chamber of Commerce, Dumas Lions Club, and Walnut Lake Country Club Boar. He served as chairman of the Dumas Airport Commission, on the Chicot-Desha Metropolitan Port Authority (Yellow Bend Port) and on the Dumas School Board. He represented the Dumas area on the Southeast Arkansas Levee District Board and had been a member of the AgHeritage Farm Credit Services Board of Directors since 1993. Ken was chosen as the Ding Dong Daddy of Dumas for 1996 and was named Dumas Lions Club Man of the Year in 1993, the same year his wife Debbie was honored as Woman of the Year at the annual Dumas Chamber of Commerce banquet.

Ken was also very active at the First United Methodist Church where he served as past chairman of the Administrative Board, a member of the governing council, and a Sunday School teacher.

Leading by example through a lifetime of dedication, community service, and commitment to agriculture, Ken has left an undeniable mark on the Desha County community. Dumas is a better place, more cohesive community because of Ken Shea and he will be deeply missed. My heartfelt condolences are with his wife of 35 years, Debbie; his son, the Rev. Thomas McKennon Shea Jr. and wife Anna Collins Shea; his daughter, Sarah Helen Shea Studebaker and husband Peyton Mills Studebaker; his brother, William Warrick ''Bill'' Shea; his sister, Anne Shea Carroll; and his two grandchildren, Jackson Reade Studebaker and Thomas McKennon ''Mac'' Shea, III. While Ken may no longer be with us, his spirit will live on forever in the lives he touched.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,338,092,943,716.61. We've added $5,711,215,894,803.53 to our debt in nearly 4 years. This is $5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO TOM VICINI

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to my good friend, Tom Vicini, for his tremendous leadership and tireless dedication to inspire young people in southern and eastern Kentucky live a drug-free life.

In recent years, Tom has witnessed the devastating effects of the prescription drug epidemic in his hometown of Lynch, Kentucky and across our rural region. Rather than quietly standing by, Tom has committed his life to making a difference both as a selfless community leader and a compassionate little league coach.

After earning a Bachelor's degree in Business Administration from the University of Kentucky, Tom returned to Lynch where he worked in the private sector and served as Mayor for 13 years without taking a salary, due to tight budgets. He is now a Coalition Coordinator for Operation UNITE, a non-profit organization designed to combat substance abuse through law enforcement, treatment and education, serving the Fifth Congressional District of Kentucky. Through his work with UNITE, Tom helps coordinate community anti-drug events and reaches out to families and individuals grappling with addiction on a daily basis.

For the last 34 years, Tom has spent his evenings and weekends coaching little league baseball, a lifelong passion. Tom is more than a successful coach, however. He is also an excellent mentor and role model, encouraging players to stay off drugs, make healthy life choices, and never give up. Tom makes sure that every child gets to play, regardless of talent. All he asks for in return is that they give their best effort on the field. Additionally, Tom organizes free baseball camps for youth and assists with various drug-free programs, including Shoot Hoops Not Drugs and Hooked on Fishing—Not on Drugs. In honor of his contributions to the sport of baseball, Tom received the 2012 Major League Baseball Commissioner's Play Healthy Award through the Partnership at DrugFree.org in conjunction with MLB Charities.

Tom's talents far exceed his boundaries, yet he is determined to help transform his small community and our rural region of southern and eastern Kentucky. As some of those same little league players have grown up, Tom has encountered a few in handcuffs during drug roundups, but his immediate response is to kneel down beside them in prayer, offering words of encouragement. It is his courage of conviction and steadfast resolve to help those in need that drive his unwavering kindred spirit. His message of hope and perseverance in the face of adversity is manifested every day through his tireless effort to encourage the youth of his community to reach for a brighter future.

Mr. Speaker, I ask my colleagues to join me in honoring Tom Vicini for receiving the MLB Commissioner's Play Healthy Award, and for his unwavering commitment to the youth of Harlan County.

PERSONAL EXPLANATION

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. OWENS. Mr. Speaker, I was unavoidably absent due to a family emergency on November 29th and November 30th, 2012. As a result, I missed rollcall votes 611, 612, and 613 related to H.R. 6429, the STEM Job Act of 2012. Had I been present, I would have voted "no" on rollcall vote 611, "yes" on roll call vote 612, and "no" on roll call vote 613.

THE IMPENDING FISCAL CLIFF NEGOTIATIONS AND THE EXTENSION OF TAX CUTS FOR THE MIDDLE CLASS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. AL GREEN of Texas. Mr. Speaker, as Congress and the President continue to move toward a compromise addressing the "Fiscal Cliff," I support a balanced approach that creates jobs and supports long-term economic growth. A key component of sustained economic growth is the extension of the current tax rates for middle class Americans. Furthermore, I support an approach that boosts the confidence of small business owners and provides them with the certitude they need to meet the demands of a recovering economy. Congress must support an approach that avoids the harmful sequestration spending cuts that may affect nearly every sector of our economy and threaten our economic recovery. It is my hope that my colleagues and I can act as partners in promoting economic fairness that will steer America toward a brighter future.

JESSICA FORD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. POE of Texas. Mr. Speaker, Jessica Ford had big dreams of becoming a doctor when she was growing up. Like many young girls, Jessica was just trying to find her way in life when she ran away from home. After she ran away, she met a man who made her feel safe. He claimed to have all the answers to her problems. She fell in love. Unfortunately, Jessica didn't realize she was falling in love with a predator.

Unbeknownst to Jessica, her new love identified her as prey and lured her in to his control by taking advantage of her vulnerability. Before she knew what was happening, she was his slave—threatened, raped and force into prostitution. Her predator sold her for sex in her city and trafficked her in other places. This nightmare—living in slavery—lasted for thirteen years.

Jessica lived in constant fear of the men who owned her during those years. Not only did they steal her childhood, they stole her identity. She was an object to them, sold on an underground market just like any other commodity in demand. The sick reality of this market is best explained by Assistant U.S. Attorney Sherri Zack: "With selling a girl there's a huge advantage. After you sell a kilo of cocaine, you have to then buy another kilo of cocaine, but you can sell a girl or boy over and over again. It's an incredible renewable resource." Jessica's nightmare didn't start in a third world country; it started right here in Houston, Texas.

Human trafficking is the second largest organized crime business in he world, generating $32 billion a year. This dastardly deed occurs all over the world, but most people don't know that it occurs right here in the United States. Unfortunately, Texas has become a hub for human trafficking—in 2007 nearly 1/3 of the calls to the National Human Trafficking Hotline came from our state. The many interstates, airports and ports in Houston make our city convenient for traffickers. Trafficking rings operate in places that you see along the streets in our communities, like some massage parlors where women are sold for sex. This modern day slave trade occurs right in our own backyard. It seems like a Hollywood movie, but this is reality.

There are many faces of trafficking victims, but typically the victims are women—both adult and child. In less frequent instances, the victims are men. Some are people who are smuggled here from another country believing they will have a job. Others are vulnerable American children. In many cases, these victims are forced into sex and/or labor trafficking to repay a debt. Sadly, too many of them are treated as criminals and not what they really are—victims of crime.

When I came to Congress, I founded the bipartisan Congressional Victims Rights Caucus. The Caucus works to bring attention to human trafficking. Legislatively, the Trafficking Victims Protection Act has brought about considerable changes in the way that the federal government responds to trafficking and coordination worldwide. We are working towards reauthorizing this important bill.

On the state and local levels, Texas has taken significant steps forward to prevent trafficking, prosecute traffickers, and help victims. In Harris County, Precinct 4 Constable Ron Hickman and County Attorney Vince Ryan have made cracking down on human trafficking a top priority. They're working hard to close illegitimate businesses and arrest and prosecute those exploiting the vulnerable. The biggest challenge we face to battling this crime is the endless demand by customers.

Human Trafficking is modern day slavery. It's a human rights issue. Bringing awareness to the problem is the first step. We must continue to tell stories like Jessica's. Collaboration between federal, state and local governments is also key. Together, we can strengthen penalties for traffickers and buyers. And most importantly, we can't forget that those who have been trafficked are the victims. We must treat them like victims. They need assistance as they recover from servitude and rebuild their lives. Together we can eradicate the scourge of human trafficking. And that's just the way it is.

IN HONOR OF MARIO GUILIO MUSCIANO, SR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the beloved Mario Guilio Musciano, Sr. of Somerdale, New Jersey who passed away on Friday, November 23rd, 2012.

Born and raised in Camden, Mr. Musciano's life has been an inspiration to the citizens of South Jersey. As a United States Army veteran, he served with distinction during World

War II, rising to the rank of sergeant as he fought to protect the freedoms that we all, as Americans, cherish. He survived the December 7th attack on Pearl Harbor and has, for over a decade, been an honored speaker at the annual Pearl Harbor Remembrance Ceremony held aboard the USS *New Jersey*.

A self-employed entrepreneur, Mr. Musciano owned and retired from the Sterling Tile Company of Somerdale, NJ. He was counted a member of both the Lion's Club and the Pearl Harbor Survivors' Club, and was a devoted husband, father, grandfather, great-grandfather, and brother. He will be sorely missed.

Mr. Speaker, Mario Guilio Musciano was a great man who exemplified the American spirit. I join the people of Somerdale and all of South Jersey in honoring the life of this exceptional man.

U.S. VIRGIN ISLANDS NEED FOR EMERGENCY ENERGY RELIEF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce the Virgin Islands Energy Crisis Relief Act of 2012. In January of this year, the HOVENSA Oil Refinery located on St. Croix in my Congressional district the U.S. Virgin Islands, announced that it would cease refinery operations because of the global economic slowdown, the addition of new refining capacity in emerging markets and the current low domestic price of natural gas. This announcement was an economic gut blow to the U.S. Virgin Islands not only because of its overall impact; a potential $580 million reduction in direct gross economic output and $92 million in overall government tax revenues beginning in FY 2012; and the direct termination of 2,471 employees and subcontractors which represents 12% of total employment and 27% of average gross pay of the private sector on St. Croix; but because of the crippling threat to energy affordability which inhibits economic growth and sustainability.

The HOVENSA refinery, which was one of the ten largest in the world, provided four percent of its refinery products in the form of gasoline, diesel, jet and propane fuel to the U.S. Virgin Islands. The HOVENSA refinery provided at least 90% of energy for the Virgin Islands Water and Power Authority, which received fuel to power the utility at a reduced cost based on the average cost of crude delivered to the refinery or $2.00 less than the New York harbor landed fuel of the same type. The refinery also supplied most of the territory's gasoline service stations also at a reduced cost. According to VIWAPA, 76% of its costs are for the purchase of fuel. Even so, Virgin Islands residents and businesses pay electric power rates in the range of 44 to 48 cents per kilowatt hour, among the highest energy costs in the nation.

The greatest threat to the Virgin Islands economy and way of life posed by the closing of the HOVENSA refinery is energy affordability. While HOVENSA has agreed to supply fuel to the end of 2012, the Virgin Islands is in need of emergency relief in order to stabilize the cost of water and electricity to its business and residential consumers in the near future. In his 2012 State of the Territory address, Governor John deJongh said: "Without reliable electricity and water there will be no new businesses. Without reliable electricity and water, we will have no economic development, fewer jobs and lower revenues, all contributing to a downward spiral."

In light of the potential for economic catastrophe that currently exists, we are exploring an emergency appropriation for the purpose of stabilizing the economy of the Virgin Islands for a period of time, by subsidizing the cost of fuel, which the utility passes on to the consumer, both residential and business, through a funding mechanism called the Levelized Energy Adjustment Clause, known locally as the LEAC.

In recent months, the Government of the Virgin Islands and the utility, the Virgin Islands Water and Power Authority, have moved to implement a series of initiatives aimed at stabilizing the energy situation in the territory. They have published an Energy Action Plan that lists the following as its strategy to meeting the islands needs for energy. It includes:

Implementing measures to enhance production efficiency at existing power generation facilities;

Converting base load power production from fuel oil to liquefied natural gas or liquefied petroleum gas;

Developing grid interconnection between the Virgin Islands and Puerto Rico;

Maximizing the development of solar and wind resources;

Pursuing biomass energy and ocean thermal energy as potential diversification of base load energy.

While noteworthy, all of these goals are long term solutions that do not address the impact to homes, businesses and the entire Virgin Islands economy in the short term, hence the request for emergency relief. The Virgin Islands Energy Crisis Relief Act is aimed at lowering the cost of fuel to utility and therefore to the consumer; facilitating the conversion of the existing plant to utilize liquefied natural or liquefied petroleum gas; and increasing the number of residents who qualify for relief through the Low Income Home Energy Assistance Act (LIHEAP).

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a family medical situation and was not present for the rollcall votes numbered 612 and 613 on Friday, November 30, 2012. Had I been present, I would have voted in this manner:

Rollcall vote No. 612—Motion to Recommit with Instructions—H.R. 6429, the STEM Jobs Act: "Yes."

Rollcall vote No. 613—Final Passage—H.R. 6429, the STEM Jobs Act: "No."

HONORING UNITED STATES MARINE CORPS VETERANS

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor our veterans.

There are no words that can express the gratitude that the American people owe all of the men and women who choose to serve the United States of America in the armed services. We are all humbled by the sacrifice they make—knowingly putting themselves in harm's way while also leaving loved ones behind. This commitment is the mark of America's finest citizens and those who answer to a higher calling. Allow me to honor, from the United States Marine Corps:

Edgar Harris, Tony Colmenares, Willie James Ferguson, Leroy McKenzie, Clifford Farrell, Jr., Peter Almeida, Jr., Joyuanki Victore, Christian Zegarra, Felix Garcia, Oscar Sola Vega, Phil Davis, Eddy J. Fonseca, Charles V. Manno, Edward Haynes, Larry Gilbert Jones, Ewin Vasco, Alexander Cruz, Philip Henry, Brent W. Quinones, Candyce Haynes, Christina Watson, Tracy Noel, Jamal Jenkins, Bentley Broussard, Jonathan M. Fuller, Javier A. Herbello, Kelvin J. Cox Jr., Kenneth del Mazo, Scott Schmidt, Richard Miller, Shane Suzuki, Jose "Pepe" Diaz, Rudolph Felton, Roberto Morejon, Widmayer Boucard, David Scott, Artice Shine, Jeffrey Paris, Jose Morla, Philip White, Darrell Morgan, Wesley Frazier, Johnnie Nesmith, Gary Gene Lipsomb, II, Joseph L. Cook, Jose Rojas, Manuel V. Ferrer, Walnex Philor, Leon Parker, Lonnie Lawrence, Gary Bryant, William Dozier, Peter Almeida, Jr., Patrick L. Purdy, William Draper, Milton Qaadir, Jim Gates Jr., Ed Moore, James Moore, William Parros, John L. Raineri, Jacob B. Butz, Luis Alvarez, Justin Cook, Luis Rivera, Ivens R. RestoSalgado, Eddy J. Fonseca Jr., Jonathan A. Salcedo, Ismael R. Lopez, Matthew D. Younger, Jaime M. Varillas, Carlos Santiago, Matthew J. Drumsta, John R. Hirnyk, Steven S. Vonsoosten, Eliezer Olea;

Finally, it is not our tanks, weapons or machinery that make the United States Armed Forces the best military in the world. It is our young men and women who serve professionally with honor and distinction. If not for these exemplary citizens, freedom and the American way of life would not be safe arid secure. For these sacrifices, we respect and should commend their service everyday of the year. Congress has designated, November 11th 2012 as the official day showing our gratitude.

Please join me in honoring these American heroes for their bravery and sacrifice in defense of this great nation.

Daily Digest

HIGHLIGHTS

Senate passed National Defense Authorization bills.

Senate

Chamber Action

Routine Proceedings, pages S7363–S7404

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 3651–3656, and S. Res. 608. **Pages S7401–02**

Measures Passed:

National Defense Authorization Act: By a unanimous vote of 98 yeas (Vote No. 221), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S7381–92**

Adopted:

Levin (for Kyl/Udall (NM)) Modified Amendment No. 2927, to establish a congressional advisory panel on revising the governance structure of the National Nuclear Security Administration to permit it to operate more effectively and independently of the Department of Energy. **Pages S7383–85**

Levin (for Akaka) Amendment No. 3019, to amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program. **Pages S7383–85**

Levin (for Toomey) Amendment No. 3062, to require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts. **Pages S7383–85**

Levin (for Brown (OH)) Modified Amendment No. 3113, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Pages S7383–85**

Levin (for Rubio/Nelson (FL)) Modified Amendment No. 3175, to limit the availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships. **Pages S7383–85**

Levin (for Carper) Amendment No. 3241, to repeal or modify certain mandates of the Government Accountability Office. **Pages S7383–85**

Levin (for Carper) Amendment No. 3242, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending. **Pages S7383–85**

Levin (for Thune) Modified Amendment No. 3277, to express the sense of Congress regarding the reallocation of government spectrum. **Pages S7383–85**

Levin (for Moran/Ayotte) Modified Amendment No. 3285, in the nature of a substitute. **Pages S7383–85**

Levin (for Bennet) Modified Amendment No. 3226, to make enhancements to the Troops-to-Teachers program. **Pages S7383–85**

Levin (for Hatch) Modified Amendment No. 3117, to provide that the rating chain for a system program manager may include any senior official located at an Air Logistics Complex where the system program manager is based. **Pages S7383–85**

By 92 yeas to 6 nays (Vote No. 220), McCain Modified Amendment No. 3262, to require a report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria. **Pages S7386–89**

Kyl Modified Amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems. **Pages S7381, S7389**

National Defense Authorization: Committee on Armed Services was discharged from further consideration of H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3254, as amended. **Page S7392**

Senate insisted on its amendment, requested a conference with the House on the disagreeing votes of the two Houses; and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Lieberman, Reed, Akaka, Nelson (NE), Webb, McCaskill, Udall (CO), Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Inhofe, Sessions, Chambliss, Wicker, Brown (MA), Portman, Ayotte, Collins, Graham, Cornyn, and Vitter. **Page S7392**

Animal Fighting Spectator Prohibition Act: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 1947, to prohibit attendance of an animal fighting venture, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S7393–97**

Blumenthal Amendment No. 3309, to improve the bill. **Page S7393**

International parental child abduction: Senate agreed to S. Res. 543, to express the sense of the Senate on international parental child abduction, after agreeing to the committee amendment in the nature of a substitute. **Pages S7403–04**

Measures Considered:

Russia and Moldova Jackson-Vanik Repeal Act—Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization. **Pages S7392–93**

A unanimous-consent agreement was reached providing that at approximately 1:30 p.m., on Wednesday, December 5, 2012, Senate begin consideration of the bill. **Page S7404**

Morning Business—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m., on Wednesday, December 5, 2012, Senate be in a period of morning business for up to 4 hours with Senators permitted to speak therein for up to 10 minutes each except where noted below and the time be divided as follows: Majority controlling the first 30 minutes; Republicans controlling the next 30 minutes; Senator Grassley controlling the next 45 minutes; Majority controlling the next 45 minutes; Republicans controlling the next 45 minutes; and the Majority controlling the following 45 minutes; and that following morning business, Senate begin consideration of H.R. 6156, Russia and Moldova Jackson-Vanik Repeal Act. **Page S7404**

Convention on the Rights of Persons With Disabilities Treaty: By 61 yeas to 38 nays (Vote No. 219), two-thirds of the Senators present and not having voted in the affirmative, the resolution of ratification to the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (the ''Convention'') (Treaty Doc. 112–7) was not agreed to and the Senate does not advise and consent to the ratification of the treaty. **Pages S7365–79**

Measures Placed on the Calendar: **Page S7400**

Executive Communications: **Pages S7400–01**

Additional Cosponsors: **Page S7402**

Statements on Introduced Bills/Resolutions: **Pages S7402–03**

Additional Statements: **Pages S7399–S7400**

Amendments Submitted: **Page S7403**

Authorities for Committees to Meet: **Page S7403**

Record Votes: Three record votes were taken today. (Total—221) **Pages S7379, S7389, S7392**

Adjournment: Senate convened at 10:00 a.m. and adjourned at 6:30 p.m., until 9:30 a.m. on Wednesday, December 5, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7404.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy, who was introduced by Senators Boxer and Schumer, Mark Doms, of Maryland, to be Under Secretary of Commerce for Economic Affairs, Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission, and Joshua D. Wright, of Virginia, to be a Federal Trade Commissioner, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 5 public bills, H.R. 6628–6632; and 2 resolutions, H. Con. Res. 143 and H. Res. 924, were introduced.

Page H6622

Additional Cosponsors: Page H6623

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Harper to act as Speaker pro tempore for today. Page H6589

Recess: The House recessed at 10:43 a.m. and reconvened at 12 noon. Page H6594

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Glen Bohannon, College Acres Baptist Church, Wilmington, North Carolina.

Page H6594

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 290 yeas to 106 nays with 2 answering "present", Roll No. 615.

Pages H6594, H6607–08

Private Calendar: On the call of the Private calendar, the House passed H.R. 1857, for the relief of Bartosz Kumor; H.R. 824, for the relief of Daniel Wachira; H.R. 823, for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; H.R. 794, for the relief of Allan Bolor Kelley; H.R. 357, for the relief of Corina de Chalup Turcinovic; and H.R. 316, for the relief of Esther Karinge. Additionally, the House passed over without prejudice S. 285, for the relief of Sopuruchi Chukwueke.

Pages H6597–99

Suspension: The House agreed to suspend the rules and pass the following measure:

American Energy Manufacturing Technical Corrections Act: H.R. 6582, amended, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, by a ⅔ yea-and-nay vote of 398 yeas to 2 nays with 1 answering "present", Roll No. 614. Pages H6599–H6606, H6607

Recess: The House recessed at 1:04 p.m. and reconvened at 1:45 p.m. Pages H6606–07

Motion to Adjourn: Rejected the Ellison motion to adjourn by a recorded vote of 3 ayes to 393 noes, Roll No. 616. Pages H6608–09

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, December 5th. Page H6609

Discharge Petition: Representative Walz presented to the clerk a motion to discharge the Committees on Ways and Means and the Budget from the consideration of H.R. 15, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families (Discharge Petition No. 6).

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6607, H6607–08, and H6608–09. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:45 p.m.

Committee Meetings

TERRORIST EXPLOITATION OF REFUGEE PROGRAMS

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled "Terrorist Exploitation of Refugee Programs." Testimony was heard from Lawrence Bartlett, Director of the Refugee Admissions Office, Bureau of Population, Refugees, and Migration, Department of State; Barbara Strack, Chief, Refugee Affairs Division, United States Citizenship and Immigration Services, Department of Homeland Security; and Dawn Scalici, Deputy Undersecretary, Office of Intelligence and Analysis, Department of Homeland Security.

BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

Committee on Natural Resources: Subcommittee on Indian and Alaska Native Affairs held a hearing on S. 3193, the "Barona Band of Mission Indians Land Transfer Clarification Act of 2012." Testimony was heard from Representative Hunter; Michael Black, Director, Bureau of Indian Affairs, Department of the Interior; and a public witness.

REVIEW OF THE PREPAREDNESS, RESPONSE TO AND RECOVERY FROM HURRICANE SANDY

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled "A Review of the Preparedness, Response To and Recovery From Hurricane Sandy." Testimony was heard from W. Craig Fugate, Administrator, Federal Emergency Management Agency; Fred Tombar, Senior Advisor to the

Secretary for Disaster Recovery, Department of Housing and Urban Development; Major General Michael Walsh, Deputy Commanding General, Civil and Emergency Operations, Army Corps of Engineers; Robert R. Latham, Jr., Executive Director Mississippi Emergency Management Agency; Mark Riley, Deputy Director, Governor's Office of Homeland Security and Emergency Preparedness, State of Louisiana; and David Popoff, Emergency Management Coordinator, Galveston County, Texas.

CHALLENGES OF TRANSITIONING VETERANS RECORDS TO PAPERLESS TECHNOLOGY

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing entitled ''Wading through Warehouses of Paper: The Challenges of Transitioning Veterans Records to Paperless Technology.'' Testimony was heard from Jim Neighbors, Director of DoD/VA Collaboration Office, Department of Defense; Scott Levins, Director of the National Personnel Records Center, National Archives and Records Administration; Alan Bozeman, Director, Veterans Benefits Management System, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 5, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of Homeland Security, to hold hearings to examine Hurricane Sandy, focusing on response and recovery and progress and challenges, 10 a.m., SD–192.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north, 9 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, and any pending nominations, Time to be announced, Room to be announced.

House

Committee on Foreign Affairs, Subcommittee on Europe and Eurasia, hearing entitled ''Iranian Influence in the South Caucasus and the Surrounding Region,'' 2 p.m., 2172 Rayburn.

Committee on Natural Resources, Full Committee, markup of H.R. 6364, the ''Frank Buckles World War I Memorial Act''; H.R. 752, the ''Molalla River Wild and Scenic Rivers Act''; and S. 3193, the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012,'' 10 a.m., 1324 Longworth.

Committee on Science, Space, and Technology, Subcommittee on Investigations and Oversight, hearing entitled ''The Impact of International Technology Transfer on American Research and Development,'' 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 5

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 4 hours), Senate will begin consideration of H.R. 6156, Russia and Moldova Jackson-Vanik Repeal Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, December 5

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1874
Austria, Steve, Ohio, E1865
Bachmann, Michele, Minn., E1870
Berkley, Shelley, Nev., E1873
Christensen, Donna M., The Virgin Islands, E1872, E1875
Clyburn, James E., S.C., E1869
Coffman, Mike, Colo., E1873
Edwards, Donna F., Md., E1872
Gibbs, Bob, Ohio, E1868
Green, Al, Tex., E1874
Honda, Michael M., Calif., E1871
Latta, Robert E., Ohio, E1868
Long, Billy, Mo., E1873
McDermott, Jim, Wash., E1867
Manzullo, Donald A., Ill., E1868
Miller, George, Calif., E1871
Owens, William L., N.Y., E1874
Pelosi, Nancy, Calif., E1865
Perlmutter, Ed, Colo., E1868, E1870, E1873
Poe, Ted, Tex., E1874
Rogers, Harold, Ky., E1873
Rogers, Mike, Ala., E1870
Ross, Mike, Ark., E1873
Roybal-Allard, Lucille, Calif., E1865, E1870, E1875
Sherman, Brad, Calif., E1865
Slaughter, Louise MacIntosh, N.Y., E1867
Stivers, Steve, Ohio, E1871
Thompson, Mike, Calif., E1866
Wilson, Frederica S., Fla., E1865, E1868, E1870, E1872, E1875
Wolf, Frank R., Va., E1868

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